

[First Reprint]

**ASSEMBLY, No. 3726**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED MARCH 26, 2018

**Sponsored by:**

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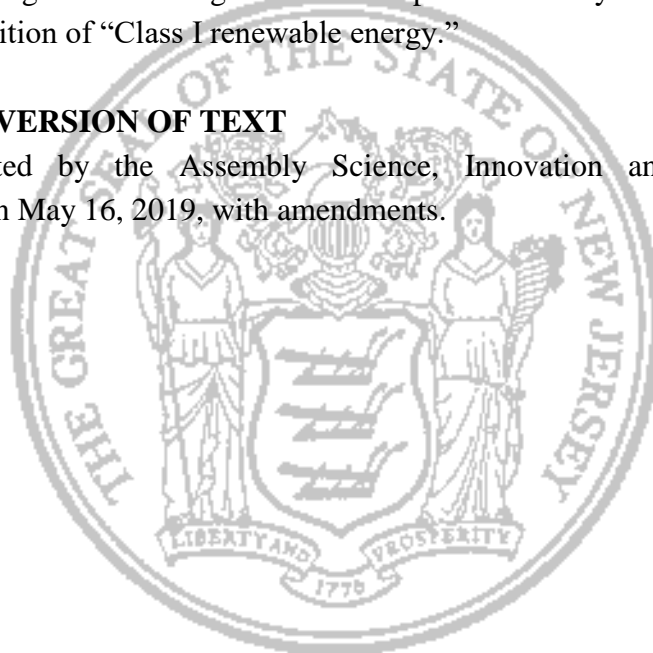
**Assemblywomen Timberlake and Pinkin**

**SYNOPSIS**

Requires large food waste generators to separate and recycle food waste and amends definition of “Class I renewable energy.”

**CURRENT VERSION OF TEXT**

As reported by the Assembly Science, Innovation and Technology Committee on May 16, 2019, with amendments.



**(Sponsorship Updated As Of: 6/19/2019)**

1 AN ACT concerning food waste recycling and food waste-to-energy  
 2 production, supplementing Titles 13 and 52 of the Revised  
 3 Statutes, and amending P.L.1999, c.23.

4  
 5 **BE IT ENACTED** by the Senate and General Assembly of the State  
 6 of New Jersey:

7  
 8 1. (New section) As used in <sup>1</sup>**[this act]** P.L.           , c.            (C.           )  
 9 (pending before the Legislature as this bill)<sup>1</sup>:

10 “Alternative authorized food waste recycling method” means <sup>1</sup>;<sup>1</sup>  
 11 (1) recycling food waste at the site at which it is generated as  
 12 authorized by the Department of Environmental Protection <sup>1</sup>**[,]** <sup>1</sup>;  
 13 (2) treating food waste at the site at which it is generated pursuant  
 14 to a permit issued by the department <sup>1</sup>**[,]** <sup>1</sup>; (3) sending food waste  
 15 for offsite use for agricultural purposes, including as animal feed  
 16 <sup>1</sup>**[,]** <sup>1</sup>; (4) sending food waste offsite for treatment with sewage  
 17 sludge in an anaerobic digester for biogas recovery as authorized  
 18 by the department <sup>1</sup>**[,]** <sup>1</sup>; or (5) any other method of recycling or  
 19 reuse of food waste, as authorized by the department.

20 “Authorized food waste recycling facility” means a recycling  
 21 center within the State authorized to accept, store, process, or  
 22 transfer food waste or compostable material, pursuant to subsection  
 23 b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34).

24 “Department” means the Department of Environmental  
 25 Protection.

26 “Food waste” means food processing vegetative waste, food  
 27 processing residue generated from processing and packaging  
 28 operations, overripe produce, trimmings from food, food product  
 29 over-runs <sup>1</sup>from food processing<sup>1</sup>, soiled and unrecyclable paper  
 30 <sup>1</sup>generated from food processing<sup>1</sup>, and used cooking fats, oil, and  
 31 grease, but shall not include food donated by the generator for  
 32 human consumption <sup>1</sup>, any waste generated by a consumer after the  
 33 generator issues or sells food to the consumer, or any waste  
 34 regulated by 7 C.F.R. ss.330.400 through 330.403 and 9 C.F.R.  
 35 s.94.5<sup>1</sup>.

36 “Large food waste generator” means <sup>1</sup>**[any]** each<sup>1</sup> commercial  
 37 food wholesaler, distributor, industrial food processor, supermarket,  
 38 resort, conference center, banquet hall, restaurant, educational or  
 39 religious institution, military installation, prison, hospital, medical  
 40 facility, or casino that produces at least 52 tons per year of food  
 41 waste <sup>1</sup>at each establishment or location owned or operated by the  
 42 large food waste generator<sup>1</sup>.

43 “Source separate” or “source separated” means the process by  
 44 which food waste is separated at the point of generation by the

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AST committee amendments adopted May 16, 2019.

1 generator thereof from other solid waste for the purpose of  
2 recycling.

3

4 2. (New section) a. Beginning January 1, 2020, each large  
5 food waste generator that is located within 25 road miles of an  
6 authorized food waste recycling facility and that <sup>1</sup>individually<sup>1</sup>  
7 generates an average projected volume of 104 or more tons per year  
8 of food waste <sup>1</sup>at each individual establishment or location owned  
9 or operated by the large food waste generator<sup>1</sup> shall:

10 (1) source separate its food waste from other solid waste; and

11 (2) send the source separated food waste to an authorized food  
12 waste recycling facility that has available capacity and will accept  
13 it.

14 b. Beginning January 1, 2023, each large food waste generator  
15 that is located within 25 road miles of an authorized food waste  
16 recycling facility and that <sup>1</sup>individually<sup>1</sup> generates an average  
17 projected volume of 52 or more tons per year of food waste <sup>1</sup>at each  
18 individual establishment or location owned or operated by the large  
19 food waste generator<sup>1</sup>, and which is not already subject to the  
20 provisions of subsection a. of this section, shall:

21 (1) source separate its food waste from other solid waste; and

22 (2) send the source separated food waste to an authorized food  
23 waste recycling facility that has available capacity and will accept  
24 it.

25 c. Notwithstanding the provisions of subsections a. and b. of  
26 this section:

27 (1) If a large food waste generator is not located within 25 road  
28 miles of an authorized food waste recycling facility, or the  
29 authorized food waste recycling facility will not accept the  
30 generator's food waste, the large food waste generator may send the  
31 food waste for final disposal at a solid waste facility as provided in  
32 the approved district solid waste management plan for the solid  
33 waste management district in which the generator is located;

34 (2) Any large food waste generator that is obligated to source  
35 separate and recycle its food waste pursuant to subsection a. or b. of  
36 this section <sup>1</sup>**], and which** shall be deemed to be in compliance  
37 with the provisions of this section if the large food waste  
38 generator:<sup>1</sup>

39 (a) performs enclosed on-site composting, or anaerobic or  
40 aerobic digestion of its source separated food waste in accordance  
41 with standards adopted by the department pursuant to subsection e.  
42 of this section, or

43 (b) recycles food waste using an alternative authorized food  
44 waste recycling method <sup>1</sup>**], shall be deemed to be in compliance**  
45 **with the provisions of this section**<sup>1</sup>;

46 (3) A large food waste generator may petition the Department of  
47 Environmental Protection for a waiver of the requirements in

1 subsection a. or b. of this section if the cost of transporting the food  
2 waste plus the fee charged by an authorized food waste recycling  
3 facility located within 25 road miles of the large food waste  
4 generator is at least 10 percent more than the cost of transporting  
5 the food waste for disposal as solid waste plus the disposal fee  
6 charged for solid waste disposal in the State for noncontract  
7 commercial waste by a properly licensed transfer station, sanitary  
8 landfill facility, incinerator, or resource recovery facility located  
9 within 25 road miles of the large food waste generator; and

10 (4) A large food waste generator shall be deemed in compliance  
11 with the provisions of this section if it sends its food waste for final  
12 disposal to a sanitary landfill facility that delivers the landfill gas to  
13 a gas-to-energy facility as fuel for the generation of electricity.

14 d. Any person who violates this act, or any rule or regulation  
15 adopted pursuant thereto, shall be subject to a civil penalty of \$250  
16 for the first offense, \$500 for the second offense, and \$1,000 for the  
17 third and each subsequent offense, to be collected in a civil action  
18 by a summary proceeding under the “Penalty Enforcement Law of  
19 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a  
20 continuing nature, each day during which it continues shall  
21 constitute an additional, separate, and distinct offense. The Superior  
22 Court and the municipal court shall have jurisdiction to enforce the  
23 provisions of the “Penalty Enforcement Law of <sup>1</sup>1999” 1999,”  
24 P.L.1999, c.274 (C.2A:58-10 et seq.)<sup>1</sup> in connection with this  
25 subsection.

26 e. Within 180 days after the date of enactment of <sup>1</sup>1999” 1999,”  
27 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>,  
28 the Department of Environmental Protection shall adopt, pursuant  
29 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-  
30 1 et seq.), rules and regulations necessary to implement this section,  
31 including, but not limited to:

32 (1) record keeping and reporting requirements for large food  
33 waste generators and authorized food waste recycling facilities, as  
34 determined necessary by the department;

35 (2) guidelines and procedures for businesses to follow to  
36 determine whether they are subject to the requirements of  
37 subsection a. or b. of this section, including food waste generation  
38 estimates and food waste audits or assessments;

39 (3) a list of food waste products that must be source separated  
40 and recycled pursuant to subsection a. or b. of this section;

41 (4) standards for the enclosed on-site composting, or anaerobic  
42 or aerobic digestion of source separated food waste, including  
43 requirements for energy production and other sustainable uses of  
44 the byproducts of recycled food waste; and

45 (5) a list of actions businesses may take to reduce the amount of  
46 food waste they generate to a level below the threshold amounts  
47 established in subsection a. and b. of this section.

1 f. The department shall publish on its Internet website the  
2 name, location, and contact information for each authorized food  
3 waste recycling facility in the State.

4  
5 3. (New section) a. Any municipality within which an  
6 authorized food waste recycling facility is located, pursuant to an  
7 adopted and approved district solid waste management plan, shall  
8 be entitled to an economic benefit of not less than the equivalent of  
9 \$0.50 per ton, to be paid and adjusted quarterly, of all food waste  
10 accepted for processing at the authorized food waste recycling  
11 facility during the 2019 calendar year and each year thereafter. The  
12 owner or operator of the authorized food waste recycling facility  
13 shall pay quarterly to the municipality the full amount due under  
14 this subsection. The municipality is authorized to anticipate this  
15 amount for the purposes of preparing its annual budget.

16 b. For the purposes of calculating the payments, the owner or  
17 operator of the authorized food waste recycling facility may, subject  
18 to the prior agreement of the municipality and approval of the  
19 Department of Environmental Protection, provide the municipality  
20 with any of the following benefits in consideration for the use of  
21 land within the municipality's boundaries as the location of the  
22 authorized food waste recycling facility:

23 (1) quarterly payments of money in lieu of taxes on the land  
24 used for the authorized food waste recycling center or other  
25 authorized facility;

26 (2) exemption from all fees and charges for the acceptance of  
27 food waste for composting, anaerobic or aerobic digestion, or other  
28 processing, as approved by the department, of food waste generated  
29 within the municipality's boundaries;

30 (3) quarterly lump sum cash payments; or

31 (4) any combination thereof.

32  
33 4. (New section) a. There is established in the Department of  
34 Environmental Protection a Food Waste Recycling Market  
35 Development Council, which shall consist of 12 members. The  
36 members shall include the Commissioner of Environmental  
37 Protection, the President of the Board of Public Utilities, the  
38 Commissioner of Transportation, the Secretary of Agriculture, the  
39 State Treasurer, and the Attorney General, or their designees, who  
40 shall serve ex officio; and six citizens of the State appointed by the  
41 Commissioner of Environmental Protection. Of the appointed  
42 members: two shall be actively engaged in the composting  
43 industry, of whom one shall be a representative of the National  
44 Waste and Recycling Association and one shall be a representative  
45 of the National Biosolids Partnership or equivalent entities; two  
46 shall be actively engaged in the recycling or solid waste collection  
47 industry, of whom one shall be a representative of the Association  
48 of New Jersey Recyclers or equivalent entities; and two shall

1 represent the general public. The Commissioner of Environmental  
2 Protection shall appoint the chairperson and the vice-chairperson of  
3 the council from the citizen members.

4 b. Members of the council shall serve without compensation,  
5 but shall be reimbursed for expenses incurred in attending meetings  
6 and performing their duties to the extent funds are available  
7 therefor.

8 c. Within 18 months after the date of enactment of this act, the  
9 Food Waste Recycling Market Development Council shall prepare a  
10 report on the existing markets for any products and energy produced  
11 from food recycling facilities, food waste composting facilities, and  
12 anaerobic and aerobic digestion facilities that accept food waste  
13 material. The council shall investigate the feasibility of providing  
14 preferences for products or energy produced from food recycling  
15 facilities, food waste composting facilities, and anaerobic and  
16 aerobic digestion facilities in the State procurement process,  
17 including how to stimulate the use in public projects of compost or  
18 soil amendment products derived from these facilities. The council  
19 shall provide recommendations on changes needed to State laws or  
20 rules or regulations to stimulate the market for products and energy  
21 produced from food recycling facilities, food waste composting  
22 facilities, and anaerobic and aerobic digestion facilities that accept  
23 food waste material. The report shall be transmitted to the Governor  
24 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
25 Legislature.

26

27 5. (New section) a. Every State department or agency that  
28 engages in landscaping or construction activities on State land, or  
29 for State projects or facilities, shall use, where technically feasible,  
30 environmentally sound, and competitively priced, compost, mulch,  
31 or other soil amendments produced from municipal solid waste,  
32 food waste, sludge, yard waste, clean wood waste, or other organic  
33 materials. Such compost, mulch, or soil amendments shall be used  
34 in place of chemical fertilizers or soil amendments.

35 b. In purchasing compost, mulch, or other soil amendments for  
36 use by the various departments or agencies of State government, the  
37 Director of the Division of Purchase and Property in the Department  
38 of the Treasury, whenever the price is competitive and the quality  
39 satisfactory for the purpose intended, shall make contracts available  
40 for compost, mulch, or other soil amendments produced from  
41 municipal solid waste, food waste, sludge, yard waste, clean wood  
42 waste, or other organic materials.

43 c. As used in this section:

44 "Competitive" or "competitively priced" means a price of no  
45 more than 10% above the price of products which are manufactured  
46 or produced from virgin materials; except that the Director of the  
47 Division of Purchase and Property, upon consultation with the  
48 Department of Environmental Protection, may make contracts

1 available for compost, mulch, or other soil amendments produced  
2 from municipal solid waste, food waste, sludge, yard waste, clean  
3 wood waste, or other organic materials at a price no more than 15%  
4 above the price of products manufactured or produced from virgin  
5 materials whenever the director determines that a 15% price  
6 differential is in the best interest of the State.

7 "Food waste" shall have the same meaning as provided in section  
8 1 of P.L. , c. (C. ) (pending before the Legislature as this  
9 bill).

10

11 6. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read  
12 as follows:

13 3. As used in P.L.1999, c.23 (C.48:3-49 et al.):

14 "Assignee" means a person to which an electric public utility or  
15 another assignee assigns, sells, or transfers, other than as security,  
16 all or a portion of its right to or interest in bondable transition  
17 property. Except as specifically provided in P.L.1999,  
18 c.23 (C.48:3-49 et al.), an assignee shall not be subject to the public  
19 utility requirements of Title 48 or any rules or regulations adopted  
20 pursuant thereto.

21 "Base load electric power generation facility" means an electric  
22 power generation facility intended to be operated at a greater than  
23 50 percent capacity factor including, but not limited to, a combined  
24 cycle power facility and a combined heat and power facility.

25 "Base residual auction" means the auction conducted by PJM, as  
26 part of PJM's reliability pricing model, three years prior to the start  
27 of the delivery year to secure electrical capacity as necessary to  
28 satisfy the capacity requirements for that delivery year.

29 "Basic gas supply service" means gas supply service that is  
30 provided to any customer that has not chosen an alternative gas  
31 supplier, whether or not the customer has received offers as to  
32 competitive supply options, including, but not limited to, any  
33 customer that cannot obtain such service for any reason, including  
34 non-payment for services. Basic gas supply service is not a  
35 competitive service and shall be fully regulated by the board.

36 "Basic generation service" or "BGS" means electric generation  
37 service that is provided, to any customer that has not chosen an  
38 alternative electric power supplier, whether or not the customer has  
39 received offers for competitive supply options, including, but not  
40 limited to, any customer that cannot obtain such service from an  
41 electric power supplier for any reason, including non-payment for  
42 services. Basic generation service is not a competitive service and  
43 shall be fully regulated by the board.

44 "Basic generation service provider" or "provider" means a  
45 provider of basic generation service.

46 "Basic generation service transition costs" means the amount by  
47 which the payments by an electric public utility for the procurement  
48 of power for basic generation service and related ancillary and

1 administrative costs exceeds the net revenues from the basic  
2 generation service charge established by the board pursuant to  
3 section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period,  
4 together with interest on the balance at the board-approved rate, that  
5 is reflected in a deferred balance account approved by the board in  
6 an order addressing the electric public utility's unbundled rates,  
7 stranded costs, and restructuring filings pursuant to P.L.1999,  
8 c.23 (C.48:3-49 et al.). Basic generation service transition costs  
9 shall include, but are not limited to, costs of purchases from the  
10 spot market, bilateral contracts, contracts with non-utility  
11 generators, parting contracts with the purchaser of the electric  
12 public utility's divested generation assets, short-term advance  
13 purchases, and financial instruments such as hedging, forward  
14 contracts, and options. Basic generation service transition costs  
15 shall also include the payments by an electric public utility pursuant  
16 to a competitive procurement process for basic generation service  
17 supply during the transition period, and costs of any such process  
18 used to procure the basic generation service supply.

19 "Board" means the New Jersey Board of Public Utilities or any  
20 successor agency.

21 "Bondable stranded costs" means any stranded costs or basic  
22 generation service transition costs of an electric public utility  
23 approved by the board for recovery pursuant to the provisions of  
24 P.L.1999, c.23 (C.48:3-49 et al.), together with, as approved by the  
25 board: (1) the cost of retiring existing debt or equity capital of the  
26 electric public utility, including accrued interest, premium and other  
27 fees, costs, and charges relating thereto, with the proceeds of the  
28 financing of bondable transition property; (2) if requested by an  
29 electric public utility in its application for a bondable stranded costs  
30 rate order, federal, State and local tax liabilities associated with  
31 stranded costs recovery, basic generation service transition cost  
32 recovery, or the transfer or financing of the property, or both,  
33 including taxes, whose recovery period is modified by the effect of  
34 a stranded costs recovery order, a bondable stranded costs rate  
35 order, or both; and (3) the costs incurred to issue, service or  
36 refinance transition bonds, including interest, acquisition or  
37 redemption premium, and other financing costs, whether paid upon  
38 issuance or over the life of the transition bonds, including, but not  
39 limited to, credit enhancements, service charges,  
40 overcollateralization, interest rate cap, swap or collar, yield  
41 maintenance, maturity guarantee or other hedging agreements,  
42 equity investments, operating costs, and other related fees, costs,  
43 and charges, or to assign, sell, or otherwise transfer bondable  
44 transition property.

45 "Bondable stranded costs rate order" means one or more  
46 irrevocable written orders issued by the board pursuant to P.L.1999,  
47 c.23 (C.48:3-49 et al.) which determines the amount of bondable  
48 stranded costs and the initial amount of transition bond charges



1 authorized to be imposed to recover the bondable stranded costs,  
2 including the costs to be financed from the proceeds of the  
3 transition bonds, as well as on-going costs associated with servicing  
4 and credit enhancing the transition bonds, and provides the electric  
5 public utility specific authority to issue or cause to be issued,  
6 directly or indirectly, transition bonds through a financing entity  
7 and related matters as provided in P.L.1999, c.23 (C.48:3-49 et al.),  
8 which order shall become effective immediately upon the written  
9 consent of the related electric public utility to the order as provided  
10 in P.L.1999, c.23 (C.48:3-49 et al.).

11 "Bondable transition property" means the property consisting of  
12 the irrevocable right to charge, collect, and receive, and be paid  
13 from collections of, transition bond charges in the amount necessary  
14 to provide for the full recovery of bondable stranded costs which  
15 are determined to be recoverable in a bondable stranded costs rate  
16 order, all rights of the related electric public utility under the  
17 bondable stranded costs rate order including, without limitation, all  
18 rights to obtain periodic adjustments of the related transition bond  
19 charges pursuant to subsection b. of section 15 of P.L.1999,  
20 c.23 (C.48:3-64), and all revenues, collections, payments, money,  
21 and proceeds arising under, or with respect to, all of the foregoing.

22 "British thermal unit" or "Btu" means the amount of heat  
23 required to increase the temperature of one pound of water by one  
24 degree Fahrenheit.

25 "Broker" means a duly licensed electric power supplier that  
26 assumes the contractual and legal responsibility for the sale of  
27 electric generation service, transmission, or other services to end-  
28 use retail customers, but does not take title to any of the power sold,  
29 or a duly licensed gas supplier that assumes the contractual and  
30 legal obligation to provide gas supply service to end-use retail  
31 customers, but does not take title to the gas.

32 "Brownfield" means any former or current commercial or  
33 industrial site that is currently vacant or underutilized and on which  
34 there has been, or there is suspected to have been, a discharge of a  
35 contaminant.

36 "Buydown" means an arrangement or arrangements involving the  
37 buyer and seller in a given power purchase contract and, in some  
38 cases third parties, for consideration to be given by the buyer in  
39 order to effectuate a reduction in the pricing, or the restructuring of  
40 other terms to reduce the overall cost of the power contract, for the  
41 remaining succeeding period of the purchased power arrangement  
42 or arrangements.

43 "Buyout" means an arrangement or arrangements involving the  
44 buyer and seller in a given power purchase contract and, in some  
45 cases third parties, for consideration to be given by the buyer in  
46 order to effectuate a termination of such power purchase contract.

47 "Class I renewable energy" means electric energy produced from  
48 solar technologies, photovoltaic technologies, wind energy, fuel

1 cells, geothermal technologies, wave or tidal action, small scale  
2 hydropower facilities with a capacity of three megawatts or less and  
3 put into service after the effective date of P.L.2012, c.24, [and]  
4 methane gas from landfills [or], methane gas from a biomass  
5 facility[, ] provided that the biomass is cultivated and harvested in a  
6 sustainable manner, or methane gas from a composting or anaerobic  
7 or aerobic digestion facility that converts food waste or other  
8 organic waste to energy.

9 "Class II renewable energy" means electric energy produced at a  
10 hydropower facility with a capacity of greater than three megawatts,  
11 but less than 30 megawatts, or a resource recovery facility, provided  
12 that the facility is located where retail competition is permitted and  
13 provided further that the Commissioner of Environmental  
14 Protection has determined that the facility meets the highest  
15 environmental standards and minimizes any impacts to the  
16 environment and local communities. Class II renewable energy  
17 shall not include electric energy produced at a hydropower facility  
18 with a capacity of greater than 30 megawatts on or after the  
19 effective date of P.L.2015, c.51.

20 "Co-generation" means the sequential production of electricity  
21 and steam or other forms of useful energy used for industrial or  
22 commercial heating and cooling purposes.

23 "Combined cycle power facility" means a generation facility that  
24 combines two or more thermodynamic cycles, by producing electric  
25 power via the combustion of fuel and then routing the resulting  
26 waste heat by-product to a conventional boiler or to a heat recovery  
27 steam generator for use by a steam turbine to produce electric  
28 power, thereby increasing the overall efficiency of the generating  
29 facility.

30 "Combined heat and power facility" or "co-generation facility"  
31 means a generation facility which produces electric energy and  
32 steam or other forms of useful energy such as heat, which are used  
33 for industrial or commercial heating or cooling purposes. A  
34 combined heat and power facility or co-generation facility shall not  
35 be considered a public utility.

36 "Competitive service" means any service offered by an electric  
37 public utility or a gas public utility that the board determines to be  
38 competitive pursuant to section 8 or section 10 of P.L.1999,  
39 c.23 (C.48:3-56 or C.48:3-58) or that is not regulated by the board.

40 "Commercial and industrial energy pricing class customer" or  
41 "CIEP class customer" means that group of non-residential  
42 customers with high peak demand, as determined by periodic board  
43 order, which either is eligible or which would be eligible, as  
44 determined by periodic board order, to receive funds from the Retail  
45 Margin Fund established pursuant to section 9 of P.L.1999,  
46 c.23 (C.48:3-57) and for which basic generation service is hourly-  
47 priced.

1 "Comprehensive resource analysis" means an analysis including,  
2 but not limited to, an assessment of existing market barriers to the  
3 implementation of energy efficiency and renewable technologies  
4 that are not or cannot be delivered to customers through a  
5 competitive marketplace.

6 "Connected to the distribution system" means, for a solar electric  
7 power generation facility, that the facility is: (1) connected to a net  
8 metering customer's side of a meter, regardless of the voltage at  
9 which that customer connects to the electric grid; (2) an on-site  
10 generation facility; (3) qualified for net metering aggregation as  
11 provided pursuant to paragraph (4) of subsection e. of section 38 of  
12 P.L.1999, c.23 (C.48:3-87); (4) owned or operated by an electric  
13 public utility and approved by the board pursuant to section 13 of  
14 P.L.2007, c.340 (C.48:3-98.1); (5) directly connected to the electric  
15 grid at 69 kilovolts or less, regardless of how an electric public  
16 utility classifies that portion of its electric grid, and is designated as  
17 "connected to the distribution system" by the board pursuant to  
18 subsections q. through s. of section 38 of P.L.1999, c.23 (C.48:3-  
19 87); or (6) is certified by the board, in consultation with the  
20 Department of Environmental Protection, as being located on a  
21 brownfield, on an area of historic fill, or on a properly closed  
22 sanitary landfill facility. Any solar electric power generation  
23 facility, other than that of a net metering customer on the customer's  
24 side of the meter, connected above 69 kilovolts shall not be  
25 considered connected to the distribution system.

26 "Customer" means any person that is an end user and is  
27 connected to any part of the transmission and distribution system  
28 within an electric public utility's service territory or a gas public  
29 utility's service territory within this State.

30 "Customer account service" means metering, billing, or such  
31 other administrative activity associated with maintaining a customer  
32 account.

33 "Delivery year" or "DY" means the 12-month period from June  
34 1st through May 31st, numbered according to the calendar year in  
35 which it ends.

36 "Demand side management" means the management of customer  
37 demand for energy service through the implementation of cost-  
38 effective energy efficiency technologies, including, but not limited  
39 to, installed conservation, load management, and energy efficiency  
40 measures on and in the residential, commercial, industrial,  
41 institutional, and governmental premises and facilities in this State.

42 "Electric generation service" means the provision of retail  
43 electric energy and capacity which is generated off-site from the  
44 location at which the consumption of such electric energy and  
45 capacity is metered for retail billing purposes, including agreements  
46 and arrangements related thereto.

47 "Electric power generator" means an entity that proposes to  
48 construct, own, lease, or operate, or currently owns, leases, or

1 operates, an electric power production facility that will sell or does  
2 sell at least 90 percent of its output, either directly or through a  
3 marketer, to a customer or customers located at sites that are not on  
4 or contiguous to the site on which the facility will be located or is  
5 located. The designation of an entity as an electric power generator  
6 for the purposes of P.L.1999, c.23 (C.48:3-49 et al.) shall not, in  
7 and of itself, affect the entity's status as an exempt wholesale  
8 generator under the Public Utility Holding Company Act of 1935,  
9 15 U.S.C. s.79 et seq., or its successor act.

10 "Electric power supplier" means a person or entity that is duly  
11 licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et  
12 al.) to offer and to assume the contractual and legal responsibility to  
13 provide electric generation service to retail customers, and includes  
14 load serving entities, marketers, and brokers that offer or provide  
15 electric generation service to retail customers. The term excludes an  
16 electric public utility that provides electric generation service only  
17 as a basic generation service pursuant to section 9 of P.L.1999,  
18 c.23 (C.48:3-57).

19 "Electric public utility" means a public utility, as that term is  
20 defined in R.S.48:2-13, that transmits and distributes electricity to  
21 end users within this State.

22 "Electric related service" means a service that is directly related  
23 to the consumption of electricity by an end user, including, but not  
24 limited to, the installation of demand side management measures at  
25 the end user's premises, the maintenance, repair, or replacement of  
26 appliances, lighting, motors, or other energy-consuming devices at  
27 the end user's premises, and the provision of energy consumption  
28 measurement and billing services.

29 "Electronic signature" means an electronic sound, symbol, or  
30 process, attached to, or logically associated with, a contract or other  
31 record, and executed or adopted by a person with the intent to sign  
32 the record.

33 "Eligible generator" means a developer of a base load or mid-  
34 merit electric power generation facility including, but not limited to,  
35 an on-site generation facility that qualifies as a capacity resource  
36 under PJM criteria and that commences construction after the  
37 effective date of P.L.2011, c.9 (C.48:3-98.2 et al.).

38 "Energy agent" means a person that is duly registered pursuant to  
39 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), that arranges the  
40 sale of retail electricity or electric related services, or retail gas  
41 supply or gas related services, between government aggregators or  
42 private aggregators and electric power suppliers or gas suppliers,  
43 but does not take title to the electric or gas sold.

44 "Energy consumer" means a business or residential consumer of  
45 electric generation service or gas supply service located within the  
46 territorial jurisdiction of a government aggregator.

47 "Energy efficiency portfolio standard" means a requirement to  
48 procure a specified amount of energy efficiency or demand side

1 management resources as a means of managing and reducing energy  
2 usage and demand by customers.

3 "Energy year" or "EY" means the 12-month period from June 1st  
4 through May 31st, numbered according to the calendar year in  
5 which it ends.

6 "Existing business relationship" means a relationship formed by  
7 a voluntary two-way communication between an electric power  
8 supplier, gas supplier, broker, energy agent, marketer, private  
9 aggregator, sales representative, or telemarketer and a customer,  
10 regardless of an exchange of consideration, on the basis of an  
11 inquiry, application, purchase, or transaction initiated by the  
12 customer regarding products or services offered by the electric  
13 power supplier, gas supplier, broker, energy agent, marketer,  
14 private aggregator, sales representative, or telemarketer; however, a  
15 consumer's use of electric generation service or gas supply service  
16 through the consumer's electric public utility or gas public utility  
17 shall not constitute or establish an existing business relationship for  
18 the purpose of P.L.2013, c.263.

19 "Farmland" means land actively devoted to agricultural or  
20 horticultural use that is valued, assessed, and taxed pursuant to the  
21 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et  
22 seq.).

23 "Federal Energy Regulatory Commission" or "FERC" means the  
24 federal agency established pursuant to 42 U.S.C. s.7171 et seq. to  
25 regulate the interstate transmission of electricity, natural gas, and  
26 oil.

27 "Final remediation document" shall have the same meaning as  
28 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

29 "Financing entity" means an electric public utility, a special  
30 purpose entity, or any other assignee of bondable transition  
31 property, which issues transition bonds. Except as specifically  
32 provided in P.L.1999, c.23 (C.48:3-49 et al.), a financing entity  
33 which is not itself an electric public utility shall not be subject to  
34 the public utility requirements of Title 48 of the Revised Statutes or  
35 any rules or regulations adopted pursuant thereto.

36 "Gas public utility" means a public utility, as that term is defined  
37 in R.S.48:2-13, that distributes gas to end users within this State.

38 "Gas related service" means a service that is directly related to  
39 the consumption of gas by an end user, including, but not limited to,  
40 the installation of demand side management measures at the end  
41 user's premises, the maintenance, repair or replacement of  
42 appliances or other energy-consuming devices at the end user's  
43 premises, and the provision of energy consumption measurement  
44 and billing services.

45 "Gas supplier" means a person that is duly licensed pursuant to  
46 the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and  
47 assume the contractual and legal obligation to provide gas supply  
48 service to retail customers, and includes, but is not limited to,

1 marketers and brokers. A non-public utility affiliate of a public  
2 utility holding company may be a gas supplier, but a gas public  
3 utility or any subsidiary of a gas utility is not a gas supplier. In the  
4 event that a gas public utility is not part of a holding company legal  
5 structure, a related competitive business segment of that gas public  
6 utility may be a gas supplier, provided that related competitive  
7 business segment is structurally separated from the gas public  
8 utility, and provided that the interactions between the gas public  
9 utility and the related competitive business segment are subject to  
10 the affiliate relations standards adopted by the board pursuant to  
11 subsection k. of section 10 of P.L.1999, c.23 (C.48:3-58).

12 "Gas supply service" means the provision to customers of the  
13 retail commodity of gas, but does not include any regulated  
14 distribution service.

15 "Government aggregator" means any government entity subject  
16 to the requirements of the "Local Public Contracts Law," P.L.1971,  
17 c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law,"  
18 N.J.S.18A:18A-1 et seq., or the "County College Contracts Law,"  
19 P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written  
20 contract with a licensed electric power supplier or a licensed gas  
21 supplier for: (1) the provision of electric generation service, electric  
22 related service, gas supply service, or gas related service for its own  
23 use or the use of other government aggregators; or (2) if a  
24 municipal or county government, the provision of electric  
25 generation service or gas supply service on behalf of business or  
26 residential customers within its territorial jurisdiction.

27 "Government energy aggregation program" means a program and  
28 procedure pursuant to which a government aggregator enters into a  
29 written contract for the provision of electric generation service or  
30 gas supply service on behalf of business or residential customers  
31 within its territorial jurisdiction.

32 "Governmental entity" means any federal, state, municipal, local,  
33 or other governmental department, commission, board, agency,  
34 court, authority, or instrumentality having competent jurisdiction.

35 "Greenhouse gas emissions portfolio standard" means a  
36 requirement that addresses or limits the amount of carbon dioxide  
37 emissions indirectly resulting from the use of electricity as applied  
38 to any electric power suppliers and basic generation service  
39 providers of electricity.

40 "Historic fill" means generally large volumes of non-indigenous  
41 material, no matter what date they were emplaced on the site, used  
42 to raise the topographic elevation of a site, which were  
43 contaminated prior to emplacement and are in no way connected  
44 with the operations at the location of emplacement and which  
45 include, but are not limited to, construction debris, dredge spoils,  
46 incinerator residue, demolition debris, fly ash, and non-hazardous  
47 solid waste. "Historic fill" shall not include any material which is  
48 substantially chromate chemical production waste or any other

1 chemical production waste or waste from processing of metal or  
2 mineral ores, residues, slags, or tailings.

3 "Incremental auction" means an auction conducted by PJM, as  
4 part of PJM's reliability pricing model, prior to the start of the  
5 delivery year to secure electric capacity as necessary to satisfy the  
6 capacity requirements for that delivery year, that is not otherwise  
7 provided for in the base residual auction.

8 "Leakage" means an increase in greenhouse gas emissions  
9 related to generation sources located outside of the State that are not  
10 subject to a state, interstate, or regional greenhouse gas emissions  
11 cap or standard that applies to generation sources located within the  
12 State.

13 "Locational deliverability area" or "LDA" means one or more of  
14 the zones within the PJM region which are used to evaluate area  
15 transmission constraints and reliability issues including electric  
16 public utility company zones, sub-zones, and combinations of  
17 zones.

18 "Long-term capacity agreement pilot program" or "LCAPP"  
19 means a pilot program established by the board that includes  
20 participation by eligible generators, to seek offers for financially-  
21 settled standard offer capacity agreements with eligible generators  
22 pursuant to the provisions of P.L.2011, c.9 (C.48:3-98.2 et al.).

23 "Market transition charge" means a charge imposed pursuant to  
24 section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public  
25 utility, at a level determined by the board, on the electric public  
26 utility customers for a limited duration transition period to recover  
27 stranded costs created as a result of the introduction of electric  
28 power supply competition pursuant to the provisions of P.L.1999,  
29 c.23 (C.48:3-49 et al.).

30 "Marketer" means a duly licensed electric power supplier that  
31 takes title to electric energy and capacity, transmission and other  
32 services from electric power generators and other wholesale  
33 suppliers and then assumes the contractual and legal obligation to  
34 provide electric generation service, and may include transmission  
35 and other services, to an end-use retail customer or customers, or a  
36 duly licensed gas supplier that takes title to gas and then assumes  
37 the contractual and legal obligation to provide gas supply service to  
38 an end-use customer or customers.

39 "Mid-merit electric power generation facility" means a  
40 generation facility that operates at a capacity factor between  
41 baseload generation facilities and peaker generation facilities.

42 "Net metering aggregation" means a procedure for calculating  
43 the combination of the annual energy usage for all facilities owned  
44 by a single customer where such customer is a State entity, school  
45 district, county, county agency, county authority, municipality,  
46 municipal agency, or municipal authority, and which are served by  
47 a solar electric power generating facility as provided pursuant to

1 paragraph (4) of subsection e. of section 38 of P.L.1999,  
2 c.23 (C.48:3-87).

3 "Net proceeds" means proceeds less transaction and other related  
4 costs as determined by the board.

5 "Net revenues" means revenues less related expenses, including  
6 applicable taxes, as determined by the board.

7 "Offshore wind energy" means electric energy produced by a  
8 qualified offshore wind project.

9 "Offshore wind renewable energy certificate" or "OREC" means  
10 a certificate, issued by the board or its designee, representing the  
11 environmental attributes of one megawatt hour of electric  
12 generation from a qualified offshore wind project.

13 "Off-site end use thermal energy services customer" means an  
14 end use customer that purchases thermal energy services from an  
15 on-site generation facility, combined heat and power facility, or co-  
16 generation facility, and that is located on property that is separated  
17 from the property on which the on-site generation facility,  
18 combined heat and power facility, or co-generation facility is  
19 located by more than one easement, public thoroughfare, or  
20 transportation or utility-owned right-of-way.

21 "On-site generation facility" means a generation facility,  
22 including, but not limited to, a generation facility that produces  
23 Class I or Class II renewable energy, and equipment and services  
24 appurtenant to electric sales by such facility to the end use customer  
25 located on the property or on property contiguous to the property on  
26 which the end user is located. An on-site generation facility shall  
27 not be considered a public utility. The property of the end use  
28 customer and the property on which the on-site generation facility is  
29 located shall be considered contiguous if they are geographically  
30 located next to each other, but may be otherwise separated by an  
31 easement, public thoroughfare, transportation or utility-owned  
32 right-of-way, or if the end use customer is purchasing thermal  
33 energy services produced by the on-site generation facility, for use  
34 for heating or cooling, or both, regardless of whether the customer  
35 is located on property that is separated from the property on which  
36 the on-site generation facility is located by more than one easement,  
37 public thoroughfare, or transportation or utility-owned right-of-way.

38 "Person" means an individual, partnership, corporation,  
39 association, trust, limited liability company, governmental entity, or  
40 other legal entity.

41 "PJM Interconnection, L.L.C." or "PJM" means the privately-  
42 held, limited liability corporation that is a FERC-approved Regional  
43 Transmission Organization, or its successor, that manages the  
44 regional, high-voltage electricity grid serving all or parts of 13  
45 states including New Jersey and the District of Columbia, operates  
46 the regional competitive wholesale electric market, manages the  
47 regional transmission planning process, and establishes systems and



1 rules to ensure that the regional and in-State energy markets operate  
2 fairly and efficiently.

3 "Preliminary assessment" shall have the same meaning as  
4 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

5 "Private aggregator" means a non-government aggregator that is  
6 a duly-organized business or non-profit organization authorized to  
7 do business in this State that enters into a contract with a duly  
8 licensed electric power supplier for the purchase of electric energy  
9 and capacity, or with a duly licensed gas supplier for the purchase  
10 of gas supply service, on behalf of multiple end-use customers by  
11 combining the loads of those customers.

12 "Properly closed sanitary landfill facility" means a sanitary  
13 landfill facility, or a portion of a sanitary landfill facility, for which  
14 performance is complete with respect to all activities associated  
15 with the design, installation, purchase, or construction of all  
16 measures, structures, or equipment required by the Department of  
17 Environmental Protection, pursuant to law, in order to prevent,  
18 minimize, or monitor pollution or health hazards resulting from a  
19 sanitary landfill facility subsequent to the termination of operations  
20 at any portion thereof, including, but not necessarily limited to, the  
21 placement of earthen or vegetative cover, and the installation of  
22 methane gas vents or monitors and leachate monitoring wells or  
23 collection systems at the site of any sanitary landfill facility.

24 "Public utility holding company" means: (1) any company that,  
25 directly or indirectly, owns, controls, or holds with power to vote,  
26 10 percent or more of the outstanding voting securities of an  
27 electric public utility or a gas public utility or of a company which  
28 is a public utility holding company by virtue of this definition,  
29 unless the Securities and Exchange Commission, or its successor,  
30 by order declares such company not to be a public utility holding  
31 company under the Public Utility Holding Company Act of 1935,  
32 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the  
33 Securities and Exchange Commission, or its successor, determines,  
34 after notice and opportunity for hearing, directly or indirectly, to  
35 exercise, either alone or pursuant to an arrangement or  
36 understanding with one or more other persons, such a controlling  
37 influence over the management or policies of an electric public  
38 utility or a gas public utility or public utility holding company as to  
39 make it necessary or appropriate in the public interest or for the  
40 protection of investors or consumers that such person be subject to  
41 the obligations, duties, and liabilities imposed in the Public Utility  
42 Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its  
43 successor act.

44 "Qualified offshore wind project" means a wind turbine  
45 electricity generation facility in the Atlantic Ocean and connected  
46 to the electric transmission system in this State, and includes the  
47 associated transmission-related interconnection facilities and

1 equipment, and approved by the board pursuant to section 3 of  
2 P.L.2010, c.57 (C.48:3-87.1).

3 "Registration program" means an administrative process  
4 developed by the board pursuant to subsection u. of section 38 of  
5 P.L.1999, c.23 (C.48:3-87) that requires all owners of solar electric  
6 power generation facilities connected to the distribution system that  
7 intend to generate SRECs, to file with the board documents  
8 detailing the size, location, interconnection plan, land use, and other  
9 project information as required by the board.

10 "Regulatory asset" means an asset recorded on the books of an  
11 electric public utility or gas public utility pursuant to the Statement  
12 of Financial Accounting Standards, No. 71, entitled "Accounting for  
13 the Effects of Certain Types of Regulation," or any successor  
14 standard and as deemed recoverable by the board.

15 "Related competitive business segment of an electric public  
16 utility or gas public utility" means any business venture of an  
17 electric public utility or gas public utility including, but not limited  
18 to, functionally separate business units, joint ventures, and  
19 partnerships, that offers to provide or provides competitive services.

20 "Related competitive business segment of a public utility holding  
21 company" means any business venture of a public utility holding  
22 company, including, but not limited to, functionally separate  
23 business units, joint ventures, and partnerships and subsidiaries, that  
24 offers to provide or provides competitive services, but does not  
25 include any related competitive business segments of an electric  
26 public utility or gas public utility.

27 "Reliability pricing model" or "RPM" means PJM's capacity-  
28 market model, and its successors, that secures capacity on behalf of  
29 electric load serving entities to satisfy load obligations not satisfied  
30 through the output of electric generation facilities owned by those  
31 entities, or otherwise secured by those entities through bilateral  
32 contracts.

33 "Renewable energy certificate" or "REC" means a certificate  
34 representing the environmental benefits or attributes of one  
35 megawatt-hour of generation from a generating facility that  
36 produces Class I or Class II renewable energy, but shall not include  
37 a solar renewable energy certificate or an offshore wind renewable  
38 energy certificate.

39 "Resource clearing price" or "RCP" means the clearing price  
40 established for the applicable locational deliverability area by the  
41 base residual auction or incremental auction, as determined by the  
42 optimization algorithm for each auction, conducted by PJM as part  
43 of PJM's reliability pricing model.

44 "Resource recovery facility" means a solid waste facility  
45 constructed and operated for the incineration of solid waste for  
46 energy production and the recovery of metals and other materials  
47 for reuse, which the Department of Environmental Protection has  
48 determined to be in compliance with current environmental

1 standards, including, but not limited to, all applicable requirements  
2 of the federal "Clean Air Act" (42 U.S.C. s.7401 et seq.).

3 "Restructuring related costs" means reasonably incurred costs  
4 directly related to the restructuring of the electric power industry,  
5 including the closure, sale, functional separation, and divestiture of  
6 generation and other competitive utility assets by a public utility, or  
7 the provision of competitive services as those costs are determined  
8 by the board, and which are not stranded costs as defined in  
9 P.L.1999, c.23 (C.48:3-49 et al.) but may include, but not be limited  
10 to, investments in management information systems, and which  
11 shall include expenses related to employees affected by  
12 restructuring which result in efficiencies and which result in  
13 benefits to ratepayers, such as training or retraining at the level  
14 equivalent to one year's training at a vocational or technical school  
15 or county community college, the provision of severance pay of two  
16 weeks of base pay for each year of full-time employment, and a  
17 maximum of 24 months' continued health care coverage. Except as  
18 to expenses related to employees affected by restructuring,  
19 "restructuring related costs" shall not include going forward costs.

20 "Retail choice" means the ability of retail customers to shop for  
21 electric generation or gas supply service from electric power or gas  
22 suppliers, or opt to receive basic generation service or basic gas  
23 service, and the ability of an electric power or gas supplier to offer  
24 electric generation service or gas supply service to retail customers,  
25 consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

26 "Retail margin" means an amount, reflecting differences in  
27 prices that electric power suppliers and electric public utilities may  
28 charge in providing electric generation service and basic generation  
29 service, respectively, to retail customers, excluding residential  
30 customers, which the board may authorize to be charged to  
31 categories of basic generation service customers of electric public  
32 utilities in this State, other than residential customers, under the  
33 board's continuing regulation of basic generation service pursuant to  
34 sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57), for the  
35 purpose of promoting a competitive retail market for the supply of  
36 electricity.

37 "Sales representative" means a person employed by, acting on  
38 behalf of, or as an independent contractor for, an electric power  
39 supplier, gas supplier, broker, energy agent, marketer, or private  
40 aggregator who, by any means, solicits a potential residential  
41 customer for the provision of electric generation service or gas  
42 supply service.

43 "Sanitary landfill facility" shall have the same meaning as  
44 provided in section 3 of P.L.1970, c.39 (C.13:1E-3).

45 "School district" means a local or regional school district  
46 established pursuant to chapter 8 or chapter 13 of Title 18A of the  
47 New Jersey Statutes, a county special services school district  
48 established pursuant to article 8 of chapter 46 of Title 18A of the

1 New Jersey Statutes, a county vocational school district established  
2 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey  
3 Statutes, and a district under full State intervention pursuant to  
4 P.L.1987, c.399 (C.18A:7A-34 et al.).

5 "Shopping credit" means an amount deducted from the bill of an  
6 electric public utility customer to reflect the fact that the customer  
7 has switched to an electric power supplier and no longer takes basic  
8 generation service from the electric public utility.

9 "Site investigation" shall have the same meaning as provided in  
10 section 3 of P.L.1976, c.141 (C.58:10-23.11b).

11 "Small scale hydropower facility" means a facility located within  
12 this State that is connected to the distribution system, and that  
13 meets the requirements of, and has been certified by, a nationally  
14 recognized low-impact hydropower organization that has  
15 established low-impact hydropower certification criteria applicable  
16 to: (1) river flows; (2) water quality; (3) fish passage and  
17 protection; (4) watershed protection; (5) threatened and endangered  
18 species protection; (6) cultural resource protection; (7) recreation;  
19 and (8) facilities recommended for removal.

20 "Social program" means a program implemented with board  
21 approval to provide assistance to a group of disadvantaged  
22 customers, to provide protection to consumers, or to accomplish a  
23 particular societal goal, and includes, but is not limited to, the  
24 winter moratorium program, utility practices concerning "bad debt"  
25 customers, low income assistance, deferred payment plans,  
26 weatherization programs, and late payment and deposit policies, but  
27 does not include any demand side management program or any  
28 environmental requirements or controls.

29 "Societal benefits charge" means a charge imposed by an electric  
30 public utility, at a level determined by the board, pursuant to, and in  
31 accordance with, section 12 of P.L.1999, c.23 (C.48:3-60).

32 "Solar alternative compliance payment" or "SACP" means a  
33 payment of a certain dollar amount per megawatt hour (MWh)  
34 which an electric power supplier or provider may submit to the  
35 board in order to comply with the solar electric generation  
36 requirements under section 38 of P.L.1999, c.23 (C.48:3-87).

37 "Solar renewable energy certificate" or "SREC" means a  
38 certificate issued by the board or its designee, representing one  
39 megawatt hour (MWh) of solar energy that is generated by a facility  
40 connected to the distribution system in this State and has value  
41 based upon, and driven by, the energy market.

42 "Standard offer capacity agreement" or "SOCA" means a  
43 financially-settled transaction agreement, approved by board order,  
44 that provides for eligible generators to receive payments from the  
45 electric public utilities for a defined amount of electric capacity for  
46 a term to be determined by the board but not to exceed 15 years,  
47 and for such payments to be a fully non-bypassable charge, with  
48 such an order, once issued, being irrevocable.

1 "Standard offer capacity price" or "SOCP" means the capacity  
2 price that is fixed for the term of the SOCA and which is the price  
3 to be received by eligible generators under a board-approved  
4 SOCA.

5 "State entity" means a department, agency, or office of State  
6 government, a State university or college, or an authority created by  
7 the State.

8 "Stranded cost" means the amount by which the net cost of an  
9 electric public utility's electric generating assets or electric power  
10 purchase commitments, as determined by the board consistent with  
11 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), exceeds the  
12 market value of those assets or contractual commitments in a  
13 competitive supply marketplace and the costs of buydowns or  
14 buyouts of power purchase contracts.

15 "Stranded costs recovery order" means each order issued by the  
16 board in accordance with subsection c. of section 13 of P.L.1999,  
17 c.23 (C.48:3-61) which sets forth the amount of stranded costs, if  
18 any, the board has determined an electric public utility is eligible to  
19 recover and collect in accordance with the standards set forth in  
20 section 13 of P.L.1999, c.23 (C.48:3-61) and the recovery  
21 mechanisms therefor.

22 "Telemarketer" shall have the same meaning as set forth in  
23 section 2 of P.L.2003, c.76 (C.56:8-120).

24 "Telemarketing sales call" means a telephone call made by a  
25 telemarketer to a potential residential customer as part of a plan,  
26 program, or campaign to encourage the customer to change the  
27 customer's electric power supplier or gas supplier. A telephone call  
28 made to an existing customer of an electric power supplier, gas  
29 supplier, broker, energy agent, marketer, private aggregator, or  
30 sales representative, for the sole purpose of collecting on accounts  
31 or following up on contractual obligations, shall not be deemed a  
32 telemarketing sales call. A telephone call made in response to an  
33 express written request of a customer shall not be deemed a  
34 telemarketing sales call.

35 "Thermal efficiency" means the useful electric energy output of a  
36 facility, plus the useful thermal energy output of the facility,  
37 expressed as a percentage of the total energy input to the facility.

38 "Transition bond charge" means a charge, expressed as an  
39 amount per kilowatt hour, that is authorized by and imposed on  
40 electric public utility ratepayers pursuant to a bondable stranded  
41 costs rate order, as modified at any time pursuant to the provisions  
42 of P.L.1999, c.23 (C.48:3-49 et al.).

43 "Transition bonds" means bonds, notes, certificates of  
44 participation, beneficial interest, or other evidences of indebtedness  
45 or ownership issued pursuant to an indenture, contract, or other  
46 agreement of an electric public utility or a financing entity, the  
47 proceeds of which are used, directly or indirectly, to recover,  
48 finance or refinance bondable stranded costs and which are, directly

1 or indirectly, secured by or payable from bondable transition  
2 property. References in P.L.1999, c.23 (C.48:3-49 et al.) to  
3 principal, interest, and acquisition or redemption premium with  
4 respect to transition bonds which are issued in the form of  
5 certificates of participation or beneficial interest or other evidences  
6 of ownership shall refer to the comparable payments on such  
7 securities.

8 "Transition period" means the period from August 1, 1999  
9 through July 31, 2003.

10 "Transmission and distribution system" means, with respect to an  
11 electric public utility, any facility or equipment that is used for the  
12 transmission, distribution, or delivery of electricity to the customers  
13 of the electric public utility including, but not limited to, the land,  
14 structures, meters, lines, switches, and all other appurtenances  
15 thereof and thereto, owned or controlled by the electric public  
16 utility within this State.

17 "Universal service" means any service approved by the board  
18 with the purpose of assisting low-income residential customers in  
19 obtaining or retaining electric generation or delivery service.

20 "Unsolicited advertisement" means any advertising claims of the  
21 commercial availability or quality of services provided by an  
22 electric power supplier, gas supplier, broker, energy agent,  
23 marketer, private aggregator, sales representative, or telemarketer  
24 which is transmitted to a potential customer without that customer's  
25 prior express invitation or permission.

26 (cf: P.L.2015, c.51, s.1)

27

28 7. This act shall take effect immediately.