

**DAY FOUR SOLAR, LLC**

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BOARD OF PUBLIC UTILITIES  
MAIL ROOM

November 24th, 2015

B. Scott Hunter  
Office of Clean Energy  
New Jersey Board of Public Utilities  
44 South Clinton Ave., 9<sup>th</sup> Floor  
Trenton, NJ 08625

**RE: Request for Extension of Milestone Dates for SRP36677 Day Four Solar W2-019**

(BPU Docket #EO12121093V)

Dear Mr. Hunter and BPU Staff

Day Four Solar, LLC formally submits this letter to cordially request an extension of the milestone dates as set forth in the February 11, 2015 Board Order Docket #EO12090832V & #EO12090880V for the above mentioned project.

**A. Background**

Project development for Day Four Solar W2-019 BPU Docket #EO12121093V (hereafter **Day Four Solar W2-019**) began in 2009. By the end of 2011, the project had received its requisite federal, state and local permits, as well as approval from PJM and JCP&L for interconnection. In compliance with the July 23, 2012 Solar Act, Day Four Solar W2-019, then, submitted a Subsection S application to the Board. Subsequently, the application's approval was deferred in the Board's April 2013 Order.

In October 2014, at the Staff's direction for all deferred Subsection S applicants to submit supplemental documentation by December 10, 2014, Day Four Solar W2-019 presented the Board with the required information to address the four (4) additional evaluation criteria requested.

Thereon, in February 2015, the Board approved the project under Subsection S. Summarily, an SREC Registration Program (SRP) Application was submitted to NJCEP. Approval was granted to the SRP program (SRP 3667) on March 30, 2015, with a two (2) year registration period.

## **B. Discussion**

A typical New Jersey based utility scale PV project can be constructed within approximately 12 months, assuming all approvals have been issued by the multiple authorities having jurisdiction (AHJ's) and barring any force majeure events.

Day Four Solar W2-019 obtained the requisite approvals from the AHJ's, prior to their Subsection S approval. Due to the prolonged Subsection S approval process, Day Four Solar voluntarily suspended their PJM Interconnection approval for almost 3 years, in order to avoid the project losing its PJM W2-019 Queue. When the interconnection application was initially approved on October 3, 2012, there were minimal modifications requested by JCP&L. Assuming the project would be moving forward at that time, the needed easements for JCP&L to access the land were acquired for and filed with Burlington County. Subsequent to the February 2015 BPU Order approving the project, Day Four Solar came out of voluntary suspension with PJM. As it happened that during the monthly PJM status conference on the project in July 2015 with PJM, JCP&L and Day Four Solar, JCP&L's team informed Day Four Solar the need for additional and more expansive SCADA specifications that were recently adopted by JCP&L. These requirements required additional land for placement of 3 extra utility poles for the newer more comprehensive SCADA equipment. As such, new easements were acquired for the new design details and submitted to JCP&L. JCP&L approved the new design and easement on August 31, 2015. The new easements were then sent out for recording and were filed in Burlington County on September 22, 2015.

The need to file new easements with Burlington County severely delayed the projects final design, and therefore its ability to move forward with product procurement, by 5 months. The designs could not be finalized until these easements were approved by JCP&L, as JCP&L halted work on the project until the easements were approved and filed. The materials could not be ordered. The material procurements most impacted by this delay are the racking and switchgear.

Moreover, demands on racking and solar manufacturer infrastructure companies are very high, given the looming end of the 30% Investment tax Credit. Many racking companies have longer than usual lead times due to this excess demand to complete projects prior to the expiration of the ITC program. Day Four Solar W2-019 could not place their order until the easements were finalized. The racking company has informed Day Four that they cannot commit to meeting the December 23, 2015 delivery date to have the racking onsite, which puts us well into the winter months and at the mercy of possible severe weather and frozen ground which could further delay the project's construction timetables.

With regard to the switchgear, which is custom designed for this project, the final specification could not be submitted to the manufacturer until the easements were finalized. The lead time

for the switchgear is at least 4 months. As such, the projected request for service from JCP&L will put the June 1, 2016 milestone in possible jeopardy.

Moreover, JCP&L has informed Day Four Solar W2-019 they cannot guarantee that JCP&L will be able to complete the utility site work necessary to allow interconnection before June 23, 2016. Day Four Solar W2-019 is in the JCP&L construction queue, however JCP&L reports that they have eleven (11) other interconnecting facilities ahead of them. At this time JCP&L has not been able to provide a date as to when they expect this work to be completed. JCP&L is commencing phased work on the interconnection in the 1<sup>st</sup> quarter of 2016 pending suitable weather conditions and minimal storm related emergencies that would impact work on the interconnection.

It is Day Four Solar W2-019’s intent to be fully transparent with the Board regarding this project and its milestone dates schedule. Day Four Solar W2-019 has made every reasonable effort to meet the milestone dates as defined in the October 2014 and the February 2015 Board Orders. Due to circumstances outside of Day Four Solar W2-019’s control, Day Four Solar W2-019 will not be able to meet those dates.

**C. Request to Staff**

Due to the aforementioned delays, Day Four Solar W2-019 respectfully requests a one hundred and fifty (150) day extension on the following milestones dates:

	<b>Original Dates</b>	<b>New Milestone Dates w/ 150 day Extension</b>
<b>Mounting System On-Site</b>	12/23/2015	<b>5/22/2015</b>
<b>More than 1/2 of Solar Modules Installed</b>	2/23/2016	<b>7/22/2016</b>
<b>All Solar Modules Installed</b>	4/18/2016	<b>9/17/2016</b>
<b>All Equipment installed, system testing complete, and request sent to EDC to test and Authorize operation of System</b>	6/1/2016	<b>10/30/2016</b>

In the February 2015 Board Order, Day Four Solar W2-019 was granted a 2 year SREC Registration period due to their delayed SREC eligibility date of June 1<sup>st</sup> 2016 . If the 150 day extension is granted, Day Four Solar W2-019 will still be well within their NJCEP SRP registration period which is set to expire on March 30, 2017. Furthermore, by extending the project’s in service date to 10/30/2016, the project will not begin to generate SREC’s until later in EY2017, in turn lessening the project’s impact on SREC market for that energy year.

As per the February 2015 Board order:

The Board **HEREBY DIRECTS** the applicants to adhere to the milestones described in their supplemental filings and supply consistent data quarterly Milestone Reporting Forms required of all grid supply projects in the SREC Registration Program. If an applicant foresees an inability to meet any of these milestones, the applicant must notify Staff in writing at least 14 days prior to the date of the milestone, provide an explanation of the reason that it will not be able to adhere to that milestone, and request an extension for a specific period of time. The Board **HEREBY AUTHORIZES** Staff to grant a reasonable extension of a milestone. If Staff denies this request, the applicant may petition the Board for a waiver of the time frame.

As a result of unforeseen circumstances beyond Day Four Solar W2-019's control, this project has experienced delays for required redesigns. These delays significantly impacted the project schedule, which is why Day Four Solar W-019 is petitioning the Board for a 150 day extension on the milestone dates listed above. We believe this requested extension is reasonable. At this juncture, Day Four Solar W2-019 continues to aggressively advance this project to completion as expeditiously as possible. Day Four Solar W2-019 has community support, the required approvals from the AHJ's, as well as, substantial engineering and civil work completed. Material procurement has begun and an application for a building permit to the DCA is anticipated to be submitted by December 15<sup>th</sup> of 2015.

As you know, Day Four complied with the Board's Order by timely submitting its applications and milestone schedule. The SRP approval letter (SRP3667) for Day Four Solar dated March 30<sup>th</sup> 2015 state at page 2 in the last paragraph that; ***"The date of the projects acceptance is 3/30/2015. From this date you will have 24 months to complete construction."*** Given the two year window for construction completion, Day Four respectfully submits that a 150 day extension of all projected milestones is reasonable in this instance. As noted above, even with these new milestone dates, the new in service date for the Day Four project will not exceed past the original maximum allowable date allowed as per BPU order and SRP approval.

Day Four Solar W2-019 thanks the Board for their time and consideration regarding this matter and looks forward to their fair, prompt and equitable decision.

Respectfully,



Ralph Laks

Manager and sole Member of Day Four Solar, LLC