

Bruce T Buzalski
39 Simpkins Lane
Pemberton, NJ 08068

16 December 2013

The Pemberton Borough Council
50 Egbert Street
Pemberton, NJ 08068

Subject: Solar Generation Compliance to the Electric Code

Dear Ladies and Gentlemen of the Borough Council

In reference to the Solar Generating System installed at 39 Simpkins Lane, in the Borough of Pemberton and the failure of the Borough of Pemberton Electric Department to meet the requirements of the Electric Code 90:11-12 and

Whereas the Borough of Pemberton did accept a deposit of \$3000 and the plans for the installation of a solar system and did approve same and provide a permit for the construction in accordance with those plans;

Whereas the Borough of Pemberton did provide a final approval of the installation on 17 July 2012;

Whereas the Borough of Pemberton Electric Department did not interconnect the system to the electric grid until 17 December 2012;

Whereas the Resident of Pemberton Borough does lease the Solar System at a cost of \$225 per month from Sun Power Corporation;

Whereas the Resident has not been able to use any part of the generated solar energy for the 17 months following the installation because the Borough Electrician caused all the generated energy to go directly to the grid;

Whereas the Borough of Pemberton Electric Code does not specify the requirements of nor the installation diagram for a "Separate Utility Meter" that is reequired to be in stalled;

Whereas the Borough Code does not define the term "EXCESS" it shall be understood to be defined as it is universally applied and understood in the solar industry as the energy that exceeds the **total usage** of electricity by the resident based on an annual accounting;

Whereas if said meter is installed in parallel with the existing meter the Borough causes all the generated power to go directly to the grid;

Whereas if said meter is installed in series with the existing meter the Borough then charges the resident for the electricity he generates as well as the electricity he uses because the standard meter is not designed to properly handle reverse flow of current and sums together the absolute value of both directions of flow;

Whereas short of using a NET meter, which is not permitted by the Code or Contract, there is no readily available way to measure the "EXCESS" energy produced;

Whereas the Borough has continued to delay their part of the installation and the Resident has not had benefit of the generated power for 17 months following the installation;

Whereas the Resident has found it necessary to turn off the solar generator starting 1 October 2013;

Then therefore the resident holds the Borough liable for the cost of the lease during the period that they have been unwilling or unable to perform. The amount of the lease is \$3825.00 for the period of 17 months. It is payable to the resident no later than 27 December 2013 and \$225.00 monthly on the 17th of each month until the issues with the Code and meters are resolved and the Resident is benefiting from the installation and the Borough is only purchasing the "EXCESS" energy. An interest of 15% compounded daily will be applied to the unpaid balance starting at its due date.

Respectfully Submitted

A handwritten signature in blue ink that reads "Bruce T. Buzalski". The signature is written in a cursive style with a large initial 'B'.

Bruce T. Buzalski
39 Simpkins Lane
Pemberton, NJ 08068