

# Comments of the New Jersey Solar Energy Coalition New Jersey Community Solar Energy Pilot Program August 10, 2020.

The New Jersey Solar Energy Coalition appreciates the opportunity to provide written comments on the Community Solar Energy Pilot Program. Many New Jersey Solar Energy Coalition members continue to be active participants in the development of Community Solar projects, and we appreciate board staff's active interest in soliciting comments and opinions to move this new market segment forward. Our members participated in the board staff sponsored webinar on July 28th and found the discussion to be on point. We were also very encouraged to see the broad consensus of stakeholder's views forming around key issues important to the success of the program. We commend the board staff for establishing this stakeholder forum and look forward to our continuing participation in the weeks and months ahead.

New Jersey Solar Energy Coalition is a broad coalition comprised of New Jersey solar developers active in all market segments, solar financing functions, engineering, accounting, legal, and renewable energy credit trading firms employing thousands throughout New Jersey.

## **Overarching Comments**

The following areas are deemed critical to the success of the Community Solar Energy Pilot Program:

- Streamlining and significantly reducing the eligibility documentation requirements for LMI participants.
- Consolidated billing.
- Including all approved year 1 & 2 pilot program projects in the TREC program by board order.
- Providing "automatic" extensions to achieving mechanical completion of approved projects to a minimum of 18 months from the date of SRP or "award" approval.
- EDC interconnection cost estimates continue to vary and increase significantly from initial Feasibility Study (FS) to subsequent System Impact Study (SIS) and finally to Facilities Report (FR) over a protracted study period. This process needs to be substantially modified to provide cost estimates that can be relied upon in a far timelier manner.

- EDC Interconnection "standards" need to be reviewed for each EDC to more closely examine the number of "closed circuits," and viable alternative solutions to costly express "return" feeder construction need to be considered by EDC's. EDC hosting capacity maps need to be refreshed and updated regularly if they are to be regarded as a reliable resource, and these maps should be mandated to include not only feeder hosting capacity but also substation transformer hosting capacity.
- The current Board of Public Utilities community solar web site is generally geared to developers. New York, however, has developed an unbiased consumer-centric website/page that consumers can go to find out if there are projects in their area and understand the different terms of these offerings. A similar Board sponsored website/page could go a long way to helping consumers better understand and trust the program and process.

https://sharedsolarnyc.org/#:~:text=Shared%20Solar%20NYC%20is%20a,solar%20(CSS) %20in%20NYC!

It is also important for the Board to consider that the considerable value to LMI residential and multifamily rooftop installations in further support of grid distributed energy benefits, local workforce clean energy job development, and creating strong, more resilient communities that are working together to address climate change, air pollution, and energy equity directly within their community. We would urge the Board to also consider increasing the residential rooftop factor from 0.6 to 0.85 for LMI installations to mirror the community solar factor in view of the similar financing hurdles associated with both programs.

While many of the questions answered below will expand upon these issues and offer program "enhancement" proposals, the greatest threat to the overall success of this program lies in resolving these overarching issues at the earliest possible opportunity.

## Topic 1: Equity and the Inclusion of Low- and Moderate-Income Households

The Board endeavors to ensure that all residents of New Jersey, regardless of household type, structure, or personal finance, can participate in and benefit from the state's clean energy resources. To that end, the Pilot Program rules mandate that at least 40% of the Pilot Program annual capacity be reserved for LMI projects. By definition, developers with LMI projects commit at least 51% of project capacity to low- and moderate-income subscribers. Staff seeks recommendations on how to facilitate this inclusion and reduce barriers to entry.

## Question 1:

How can the Board ease the process by which developers validate LMI status when enrolling subscribers?

a) Should the Board consider amending the current rules regarding LMI subscriber verification, as defined at N.J.A.C. 14:8-9.8? If yes, how? For reference, please see Appendix 1 for selected excerpts of the relevant section of the rules.

b) Please include a discussion of the following verification metrics, with examples from other states where applicable:

- a. LMI income affidavit;
- b. verification by census tract; and
- c. other means of encouraging and supporting LMI community solar participation.

New Jersey's Community Solar program will go a long way to achieving a more equitable clean energy program that will benefit all residents, we applaud the Board's tireless efforts in bringing this important program to fruition.

We believe, however, that the current verification system for determining LMI eligibility is an unnecessary and extremely difficult process requirement to subscribing LMI residents to community solar projects. Lessons learned in other states, particularly Maryland, have been successful to streamlining the income verification process.

NJAC 14:8-9.8 (d) spells out the rules for the Program, including income verification for LMI customers:

The current process for verifying income eligibility for low income residents is proof of participation in one or more of the following: LIHEAP, Universal Service Fund, Comfort Partners, and/or Lifeline Utility Assistance Program; or ii. A copy of the first and second page of the subscriber's three previous years' Federal income tax returns. The second page must be signed if self-prepared. The returns shall be submitted directly to the subscriber organization, along with a sworn statement that the information contained within the tax returns is true and accurate. Tax returns are to be treated as confidential under all applicable Federal and State laws. For subscribers that are not required to file, a non-filing verification letter from the IRS would need to be provided.

Moderate income residents only have one way of verifying their income – they have to a copy of the first and second page of the subscriber's three previous years' Federal income tax returns. The second page must be signed if self-prepared. These returns must then be submitted directly to the subscriber organization, along with a sworn statement that the information contained within the tax returns is true and accurate. Tax returns are to be treated as confidential under all applicable Federal and State laws. For subscribers that are not required to file, a non-filing verification letter from the IRS would need to be provided.

Obtaining sensitive income documentation to verify a prospective customer's income is at best difficult and in some cases impossible. Moreover, requiring sensitive income documents like a tax return is overly intrusive.

Additionally, while low income customers are, by definition, eligible for a federal, state, or local assistance programs, not all eligible customers apply and actually participate in these programs,

essentially eliminating this avenue for verification, and, clearly, this process is irrelevant for a potential subscriber who is moderate-income.

Based on direct market experience of our members in other states, we urge the BPU to simplify and streamline the qualification process:

• **Principle 1:** Verification should not potentially compromise disclosure of social security numbers and other sensitive personal identifying information contained in federal tax documents. Despite all good intentions and safeguards, the risk of data security breaches down the road and exploitation of vulnerable consumers by bad actors is a real security issue that could dissuade LMI participation.

• **Principle 2**: The verification burden on consumers should be commensurate with benefits. LMI consumers have little incentive to adhere to intrusive income verification requirements for subscriber savings that are small relative to other state programs that require income verification. Community solar subscriptions provide savings to a household measured in tens of dollars, not comparable to food assistance programs, or large capital investments under home weatherization programs that commensurately require higher burdens for income qualification. Consideration should be given to the fact that non-LMI community solar participants are exempt from eligibility requirements, despite receiving the same community solar bill credit value.

• **Principle 3**: Verification methods should seek reasonable accuracy in matching defined LMI thresholds (i.e., "don't let the perfect be the enemy of the good").

#### Our Recommendations for BPU Approved LMI Verification Options

• Self-Attestation Plus Census Tracts – Utilize the U.S. Census Bureau's American Community Survey ("ACS") income data for the state's Census Tracts, which can be analyzed to establish that individuals within certain census tracts have a higher probability of being low or moderate income households. Self-Attestation would be on a BPU approved form, with the subscriber attesting that they meet the program's income eligibility definition. Using self-attestation in conjunction with other income proxies is an approach employed in the Illinois Solar for All program, which provides numerous verification options for community solar.

A household in a Census Tract with median income meeting the definition criteria as low or moderate income should be granted deference in verifying its eligibility with selfattestation. Specifically, we propose that self-attestation should be an allowable option when the subscriber resides within a Census Tract with a low or moderate median income. Thus, if the subscriber's Census Tract median income meets the low income definition of up to 200% of the Federal Poverty Level ("FPL"), then the subscriber should be permitted to demonstrate its low income eligibility via self-attestation that the household meets the same definition, and if the subscriber's Census Tract median income meets the moderate income definition of 80% of state median income, then the subscriber should be permitted to demonstrate its moderate income eligibility via selfattestation that the household meets the corresponding definition. Single year tax return for moderate income subscribers. While self-attestation and census tract eligibility would appear sufficient to approve eligibility, Maryland and other jurisdictions allow subscribers to provide just a single year tax return to qualify as eligible for the program and we believe New Jersey should follow suit. It is difficult enough to get one year's tax return, and almost impossible to get three years.
Additional income verification documents. We further recommend allowing low or moderate-income residents to demonstrate income eligibility by showing a recent pay stub, a W2, or unemployment insurance application.

The state of Maryland began its community solar program with a similar income verification approach as the one New Jersey now utilizes. Subscriber organizations and civic groups found that the process for verifying income eligibility was too onerous and undermined the program's goals of bringing solar energy to everyone, not just the select few. An ad-hoc group of low and moderate-income advocates worked with the Public Service Commission (PSC) to change the process, in line with what we are proposing here. The Maryland PSC adopted many of these suggestions in a February 14, 2020 order, opening up new avenues for low and moderate-income residents to subscribe to solar power.

We believe these modest changes to the program will significantly increase the chances of success in meeting the program's goal of reaching low and moderate-income residents across New Jersey. They conform with consumer protection initiatives while providing a little more flexibility in program implementation.

#### Question 2:

Current rules mandate that developers use the "opt-in" model for subscriber enrollment, in which a subscriber must affirm a community solar subscription with a wet or electronic signature. This is distinguished from the "opt-out" model, in which a subscriber is enrolled without affirmative consent, and given the option to unsubscribe (i.e., opt out) from the community solar subscription.

Based on experience with Program Year 1, as well as the successes or failures in other states, please provide feedback on the efficacy of the "opt-in" model, or, in the alternative, on the benefits and risks of the "opt-out" model for subscriber enrollment. In particular, please discuss:

## Opt-in Model:

a) From your perspective as a developer, subscriber, community organization, third-party entity, etc., please describe your experience using the "opt-in" model in Program Year 1. What challenges did you encounter? What, if anything, would you change about the process? Please specifically identify whether you are working on a community solar project approved in Program Year 1.

b) Are there examples of other states that have been particularly successful or unsuccessful using an "opt-in" model for community solar? What has made them successful or unsuccessful?

#### Opt-out Model:

c) What would be the advantages and risks of implementing opt-out for community solar? Is an opt-out model the best approach to facilitating low- and moderate-income subscriber enrollment?

d) What consumer protection measures would need to be established in order to implement an opt-out mechanism for community solar?

e) In what ways could an opt-out model of community solar subscriber enrollment be similar to, and different from, the model currently implemented under Government Energy Aggregation in New Jersey?

f) Are there examples of other states successfully using an "opt-out" model for community solar? If so, what makes them successful?

An opt-in model is a proven successful mechanism to support the growth of community solar in other markets, and we are confident it can be successful in New Jersey. It offers intuitive consumer protection because consumers would be required to pro-actively opt into a program with their full knowledge and consent. Secondly, community solar is about more than just reducing ratepayers' energy bills, though that's an important consideration. It's also about creating strong, more resilient communities that are working together to address climate change, air pollution, and energy equity. The kind of educational outreach necessary to accomplish this is clearly part of an opt-in system with companies doing the work with our partners in the community solar programs, particularly in states with consumer choice for electricity such as New Jersey. This means that companies can come to New Jersey with a good understanding of the market dynamics.

We also believe; however, the opt-out model deserves further consideration and development. It has the potential to significantly decrease customer acquisition costs for community solar providers, and to simplify and standardize the process in ways that may be simpler for certain customer segments. For example, New York is exploring partnership opportunities between Community Choice Aggregation initiatives and community solar providers. With proper consideration for the issues mentioned above, including consumer protection and consumer engagement, an optional opt-out model could prove effective for community solar in New Jersey.

## Question 3:

How can the Board leverage existing programs (e.g. Comfort Partners, USF, etc.) to facilitate enrollment of LMI customers in community solar?

Utilizing existing programs that serve LMI customers is a great way to facilitated enrollment of LMI customers in community solar. In this approach, the Board or the utility would share customer information with registered subscriber organizations, with appropriate privacy protection safeguards. Sharing this information serves two purposes. One, it makes the job of income verification much easier as subscriber organizations would have a list of potential

customers that are already income-qualified. Two, it would make it easier for subscriber organizations to identify and reach out to potential customers. If the Board has concerns about sharing this kind of data with subscriber organizations, there are two possible remedies to address those concerns. One would be to have an opt-in list of residents who want to receive community solar offers. Another would be to allow the program contractors to do outreach to the customers they have already serviced. It is our understanding that Comfort Partners contractors are currently prohibited from "upselling" other products or services to their customers. This should be changed to allow them to help market additional financial community solar benefits to these customers.

## Question 4:

How can the Board leverage, or partner with, community organizations or others to facilitate equitable inclusion of community solar subscribers, including education, marketing, and enrollment?

A number of NJSEC members have a great deal of experience working with community organizations to facilitate education and outreach on community solar. Clearly, the Board can play an important role in this process. As we have already observed, the development of a Board sponsored and managed "Consumer Guide to Community Solar Programs" website or page aimed specifically at educating consumers and comparing program offerings as a trusted, neutral facilitator would go a long way to further enabling enrollment. The Board can also convene interested stakeholders and provide the "stamp of approval" or legitimacy to the community solar program. Community solar is a new program that for many may sound like a scam. Community organizations generally are very willing to promote community solar to their members. Educating community organization leadership in a systematic way would help develop trust in the program and the Board is trusted and in the best position to conduct a leadership training periodically for interested organizations. Direct training for community leaders on the enrollment process is a key element to success.

## Question 5:

What are the challenges specific to ensuring that low- and moderate-income households in master-meter buildings can become community solar subscribers?

a) How common are these type of master metered apartments?

b) Please describe the feasibility of reforming rates to ensure customers in master metered buildings receive community solar credits equivalent to those of single-family households.

c) Please address any unintended consequences of this type of rate reform?

d) What measures should the Board consider alleviating these challenges?

The financial challenge of ensuring that low and moderate-income households in mastermetered buildings can participate in community solar is principally due to the commercial utility rate applied to these properties. The commercial rate of the master-metered building means that the community solar project owner will see significantly less revenue from these customers than from residential rate customers. This creates a negative financial incentive against enrolling master-metered properties, even though many low or moderate income people live in such properties. One simple solution would be for the Board to simply apply the residential utility bill credit to these accounts upon proof that the savings would then flow directly back to these residential customers.

We would also observe that consolidated billing with POR or "net crediting" modeled after the current New York program could significantly reduce financing costs and serve to further open this important LMI market.

## Question 6:

What additional suggestions do you have to facilitate inclusion of LMI households?

If the Board were to adopt the options presented, there would be no need for additional program adjustments.

## **Topic 2: Program Year 1 Application Form and Application Process**

For reference, please refer to the PY1 Application Form when responding to questions in Topic 2 specific to the application process.

## Question 7:

Please provide feedback on the process of submitting an Application. In particular, please discuss:

a) Length of the application period: should the PY2 application period be longer, shorter, or equal to the 5-month application period in PY1?

b) Should the Board implement a process for submitting an application via an online application form? If it is not possible to establish an online application process, how can the Board improve the process for submitting a hard copy application.

Yes, the Board should implement a process for submitting an application via an online application form. Also, there should not be a requirement for three facsimiles of the hard copy applications.

## Question 8:

Please provide feedback on Section A of the PY1 Application Form (Application Form requirements, instructions, terms and conditions). Were the instructions sufficiently clear?

## Question 9:

Please provide feedback on Section B of the PY1 Application Form (community solar project description). In particular, please discuss:

a) Were certain questions unclear?

b) Should certain questions in the PY1 Application Form be omitted from the PY2 Application Form? Why would you recommend excluding them?

c) Should certain questions that were not asked in the PY1 Application Form be included in the PY2 Application Form? What would you recommend, and why?

#### Question 10:

Please provide feedback on Section D of the PY1 Application Form (certifications).

#### Question 11:

Please provide feedback on Appendix A: Product Offering Questionnaire from the PY1 Application Form.

a) Did this questionnaire accurately reflect the diversity of possible community solar product offerings?

b) Should any changes be made to this questionnaire?

## Question 12:

Please provide feedback on Appendix B: Required Attachments Checklist from the PY1 Application Form.

a) Was the Appendix B checklist helpful to completing the Application Form?

b) Should the Board modify the list of attachments required in PY2?

c) Are there certain required attachments for which the Board should provide further instructions and/or a standard template?

## Question 13:

Please provide feedback on Appendix C: Evaluation Criteria from the PY1 Application Form. In particular, please discuss:

It is most important to move to Year 2 as quickly as possible and then to establish a permanent and larger program as an important fundamental feature of the successor program. We would further urge the Board to consider an "RPS incremental" successor community solar market segment with a minimum of 150-200 MWs on the basis of "first come-first serve," with proof of site control, all permitting and ISA in hand.

a) Was Appendix C useful to Applicants in creating their applications?

b) Should the Board modify the evaluation criteria for PY2? For example, should the Board give more or less weight to certain evaluation criteria in PY2?

c) Are there criteria that were not considered in PY1 that should be considered in PY2? If yes, how would the Board evaluate, score, and verify these criteria?

d) Please address whether the Board should consider awarding more potential points for projects proposing to serve more than 51% LMI customers and how such scoring would work.

#### **Topic 3: Program Year 2 Application Process**

#### Question 14:

The PY1 capacity was 75 MW(dc). Pursuant to N.J.A.C. 14:8-9.4(b), the PY2 capacity must be at least 75 MW DC but could be more. Staff is considering recommending that the Board increase capacity in PY2 to 100 MW(dc), and to 125 MW(dc) for PY3, with the intention of soliciting annually for 150 MW(dc) in the permanent program. Please comment on this proposed plan.

We believe the Board should expand the community solar program as much as an increment to the current program in the range of 150-200 MWs annually. New Jersey has ambitious plans for solar development contained in its Energy Master Plan and community solar is an important and <u>equitable</u> way for New Jersey to meet both its renewable energy and climate goals.

Furthermore, and vitally, each Program Year should not only award winning projects, but also create a waitlist for other applicants, in descending order of their point scores, so that inevitably when some amount of winning projects encounter a fatal flaw and abandon their goal of becoming fully operational, the Board will re-allocate the failed projects' capacity to waitlisted projects. In looking at the Community Solar Energy Pilot Program at a high level, perhaps the most important metric is how many MW are developed in the program each year; without a waitlist, this metric will suffer and the program at large risks falling short of its goals. To be clear, rather than carrying forward unused capacity from, for example, Program Year 1 to Program Year 2 as a result of failed Program Year 1 projects, it is preferable for the unused capacity from Program Year 1 to be reallocated to projects on the waitlist of Program Year 1, because those specific projects were dependent upon the economics of Program Year 1 when they applied into the program, including the type of REC available to Program Year 1. This waitlist aspect should be adopted not only for Program Years 2 and 3, but also retroactively for Program Year 1.

#### Question 15:

The 45 applications granted conditional approval in PY1 represented 17 unique applicants. Should the Board consider limiting the number of applications that are submitted by a single developer, or limit the number of applications by a single developer that will be

#### conditionally approved?

While supplier diversity is worthy of due consideration, it should be viewed as a deciding factor that would not prevent the selection of the best projects based upon overall merit.

#### Question 16:

For ground-mount projects, please provide feedback on the DEP Permit Coordination checklist process.

#### Question 17:

The PY1 Application Form made certain sections optional for government entities. Did this facilitate applications by government entities? Should the Board consider a fully separate carve-out and application process for government entities?

No.

#### **Topic 4: Other**

#### Question 18:

Should the Board consider amending the Pilot Program rules to require that community solar subscriptions guarantee savings compared to the subscriber's electric bill without community solar, as an added consumer protection measure, particularly given that all awarded projects already committed to doing so in the PY1 applications?

Clearly, in an "opt-out" model scenario, guaranteed savings would need to be considered a necessary feature of that proposal. It is important, however, to note that any requirement for guaranteed savings be handled administratively in the easiest method possible. The complications of administering a guaranteed savings on a month to month basis or under changing use and production profiles would be a nightmare. We would note that for all other program considerations other than opt-out protections, industry competition is working fine and there would be no need for additional regulation in this regard.

## Question 19:

Should the Board consider amending the construction timelines and extension policies at N.J.A.C. 14:8-9.3(c)? If yes, how? Currently, applicants have 6 months to start construction, and 12 months to become fully operational, with an unlimited number of possible extensions (so long as projects can demonstrate continued progress). Excerpts of the relevant section of the rules are provided in Appendix 1 below.

On July 30, 2020 the Board ordered a blanket TREC extension to October 30, 2021 in recognition of Covid-19, EDC delays and all of the other complications associated with project development. The industry was very pleased to see this blanket extension and would urge the Board to reset the 12 month standard to 18 months in view of these continuing issues and

complications. Furthermore, the Board should issue a similar blanket extension to the December 20, 2020 deadline for Community Solar Energy Pilot Program Year 1 projects to become "fully operational," moving that deadline forward 6 months to June 20, 2021.

On a note related to deadlines, but also applicable to other requirements of the Community Solar Energy Pilot Program, the Program Year 1 terms and conditions as stated on the applications included the following excerpt: "If the approved project fails to be completed as proposed in the Application, and the Applicant fails to remediate the failure or provide an equivalent modification within a reasonable timeframe, the project may be penalized <u>up to and</u> including a withdrawal of the permission to operate in the Community Solar Energy Pilot <u>Program."</u> Developers, asset owners, and investors would appreciate more info about this cure period, including its timeframe, an understanding of which kinds of infractions would be serious enough to lead to withdrawal from the program, and if possible, information about what other kinds of penalties may apply.

## Question 20:

Should the Board consider restricting the 10-subscriber minimum exemption at N.J.A.C. 14:8-9.6(d) to only buildings that serve low- and moderate-income residents? Currently, the exemption applies to all multi-family buildings which have a community solar system located on-site. Excerpts of the relevant section of the rules are provided in Appendix 1 below.

## Question 21:

How is the Pilot Program impacted by the ongoing transition in solar incentives from the Transition Incentive Program to the Successor Program?

In order to stabilize project financing considerations now as firms begin to line up potential projects for the Year 2 pilot, it is imperative that the Board create a bright line order to make clear that all Year 2 projects will operate under the TREC program even if the successor program is ready for implementation. The Year 2 pilot is limited in scope and without certainty the program will be significantly delayed.

In our view, the permanent community solar program as part and parcel of the successor program should supplant the need for a third year pilot program with all financial considerations then aligned under the successor program.

## Question 22:

A number of resources are available to prospective community solar applicants, including a Frequently Asked Questions page, EDC hosting capacity maps, and the Department of Environmental Protection Community Solar PV Siting Tool.

a) What other resources do you believe the Board should provide to facilitate community solar development in New Jersey?

b) Should the Board provide technical assistance grants for the development of community

solar projects? If yes, to whom and under what conditions?

#### Question 23:

How can Staff otherwise support community solar developers and subscribers to ensure success?

#### Question 24:

Please provide comments on issues associated with the Pilot Program not specifically addressed in the questions above.

- Factor "adders" for preferred siting such as brownfield, landfills, and parking canopies would serve to level the playing field with competitive less costly proposals to further encourage preferred development. The states of Maryland and Massachusetts have recently adopted these types of approach. https://energy.maryland.gov/business/Pages/incentives/PVEVprogram.aspx
- Incentive grants similar to those currently employed in Maryland could serve to enhance customer savings and reduce the financial risk to developers. https://energy.maryland.gov/residential/Pages/CommunitySolarLMI-PPA.aspx\_

## Appendix 1: Selected excerpts from the Community Solar Energy Pilot Program rules

N.J.A.C. 14:8-9.8(a)

(a) A low- and moderate-income subscriber for the purposes of this subchapter is as follows:

1. A low-income household or a moderate-income household.

2. Affordable housing providers may also qualify as an LMI subscriber for the purposes of a community solar project. In order to do so, they must:

i. Demonstrate in their application to the Board and sign an affidavit that they are passing along specific, substantial, identifiable, and quantifiable long-term benefits to their residents/tenants; and

ii. Sign and submit to the Board, an affidavit indicating that they will pass along said specific, substantial, identifiable, and quantifiable long-term benefits to their residents/tenants.

N.J.A.C. 14:8-9.8(d)

(d) The following LMI eligibility criteria shall be applied:

1. If the community solar pilot project is sited on government-owned property, and is serving LMI subscribers living on that property, the government site owner may provide a sworn statement that those community solar pilot project subscribers are considered LMI for the purposes of the Pilot Program.

2. In all other cases, subscribers must be individually qualified as LMI for the purposes of the Pilot Program. The subscriber organization for each project shall receive and review proof of LMI eligibility for each LMI subscriber. Any of the following may be accepted by a subscriber organization as proof of LMI status for individual subscribers:

i. Proof of participation in one or more of the following: LIHEAP, Universal Service Fund, Comfort Partners, and/or Lifeline Utility Assistance Program; or

ii. A copy of the first and second page of the subscriber's three previous years' Federal income tax returns. The second page must be signed if self-prepared. The returns shall be submitted directly to the subscriber organization, along with a sworn statement that the information contained within the tax returns is true and accurate. Tax returns are to be treated as confidential under all applicable Federal and State laws. For subscribers that are not required to file, a non-filing verification letter from the IRS would need to be provided.

3. Qualification of a household as low-income or moderate-income is required only once per subscription, at the time of execution of the subscription agreement or contract.

4. A community solar subscriber whose subscription has, for any reason, ended must re-submit a new application along with LMI qualifying criteria if applicable.

N.J.A.C. 14:8-9.3(c)7

7. Approved projects are expected to begin construction within six months of their approval by the Board. Board staff may approve one or more two-month extensions if substantial progress is shown towards beginning construction within the initial six month-period, as determined upon review by Board staff based on the specific circumstances of the project.

N.J.A.C. 14:8-9.3(c)8

8. Approved projects are expected to become fully operational (up to and including having subscribers receive bill credits for their subscription to the project) within 12 months of their approval by the Board. Board staff may approve one or more six-month extensions if substantial progress is demonstrated towards becoming fully operational within the initial 12-month period, as determined upon review by Board staff based on the specific circumstances of the project.

N.J.A.C. 14:8-9.6(d)

(d) Multi-family buildings with a community solar project sited on their property are exempt from the 10-subscriber minimum, so long as they demonstrate in their application that the project is intended to provide specific, identifiable, and quantifiable benefits to the households residing in said buildings.

Respectfully submitted,

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