



**THE BOROUGH OF HIGHLAND PARK**  
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**VIA E-MAIL**

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Secretary of the Board  
Board of Public Utilities  
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**The Borough of Highland Park Comments  
Regarding the Design of the Permanent Community Solar Program  
Docket No. QO22030153**

Dear Secretary Camacho-Welch:

Thank you for this opportunity to provide input on the design of the Permanent Community Solar Program. Please accept the following comments on design of the permanent Community Solar Energy Program (Docket No. QO22030153). We provide these comments in response to the Notice of Request for Comments issued by BPU on April 11, 2022. Specifically, we provide responses to questions 3, 7, 14, 17, 19, and 20.

The Borough of Highland Park has a long standing history, commitment, and track record of implementing sustainable solutions, with a particular emphasis on energy projects. In 2007 we established one of the state's first Green Community Plans with the support of the New Jersey Sustainable State Institute. In 2013 we received Silver Level Certification from Sustainable Jersey, where we set the standard for Sustainable Jersey's Residential Energy Efficiency action. In 2017 we were selected for Phase I and in 2021 Phase II of the BPU's TCDER Microgrid Program. Highland Park has leadership-level experience, interest, and understanding of New Jersey's clean energy regulations. Considering this, along with our duty to serve the best interests of our residents, the Borough is obligated to advocate strongly on this issue.

In the interest of our LMI residents, Highland Park urges the Board to act promptly on adopting an automatic-enrollment process for projects led by public entities and to enact a utility consolidated billing system with net crediting.

## Comments

**3)** In regard to ownership restrictions, we request BPU add clarification to the permanent program rules that an automatic enrollment Community Solar Project will be managed by a municipality but that the solar facility (i.e., solar panels and related equipment) in the Project may be owned by a third-party private entity developer. There has been ambiguity over this issue in the past. This ownership structure is necessary as the municipality is answerable to its residents and will manage the Program in the public interest. At the same time, the development, construction, financing, ownership, and operation of the solar facility is best undertaken by a private vendor who has expertise that the municipality does not have and can access beneficial federal tax credits that a municipality cannot receive.

**7)** As far as project selection, BPU should outsource application evaluation to a consultant (with continual oversight by the Board and its Staff) in order to ensure consistent, timely, and efficient timing of project awards. This will allow the high volume of applicants to be reviewed more quickly and allow Staff to focus on more critical policy and management issues.

**14)** The geographic limitations should be eliminated from consideration – with the exception of locations within the EDC territory which is required by statute – since the entire purpose of Community Solar is that the location of the solar system is irrelevant to where the subscribers are located. This will result in more projects, competition, and customer participation.

**17)** The Board should adopt an auto-enroll rule because the current "opt-in" subscription method requiring wet or electronic signatures creates an unfair barrier to entry for LMI customers. The unnecessary costs from highly intensive (and expensive) marketing and sales efforts to get LMI customer signatures reduces LMI participation and enrollment costs. The Board can best support subscriber education and acquisition and be consistent with customer data privacy rights by adopting the GEA opt-out method, rules, and protections, which have been successful in preventing the "slamming" of customers. Since auto-enrollment is restricted only to public entities, responsibility, data protection, and trust is already established between project owner (the public entity) and subscribers (the residents).

**20)** We support the EDC's proposal of May 28, 2021 for the use of "Utility Consolidated Billing", and importantly, we recommend that the features of BGS Consolidated Billing for Community Solar Consolidated billing be used. A solution to payment default issues is a billing approach that mirrors Basic Generation Service or BGS billing, whereby the EDC is responsible for recovering customer payment and pays the supplier on a monthly and full basis. Under this payment structure the solar developers can be confident that they will be paid monthly for the solar energy they provide to customers – regardless of the customer's payment. This way, developers will not be disincentivized to serve LMI customers and EDCs will be in no different a position regarding customer non-payment than under BGS billing.

Thank you for your time and consideration.

Sincerely,

Gayle Brill-Mittler, Mayor  
Borough of Highland Park

Teri Jover, Borough Administrator and Redevelopment Director  
Borough of Highland Park