



March 15, 2023

VIA ELECTRONIC MAIL

Carmen D. Diaz
Acting Secretary of the Board
44 South Clinton Ave., 1st Floor
PO Box 350 Trenton, NJ 08625-035

RE: In the Matter of Competitive Solar Incentive (“CSI”) Program pursuant to P.L.
2021, C.169, Docket No. QO21101186, Request for Information

Dear Acting Secretary Diaz:

MAREC Action submits these attached comments in response to the Request for Information issued by the Board of Public Utilities Staff in the above-captioned matter. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Bruce W. Burcat". The signature is written in a cursive style with a clear, legible font.

Bruce Burcat
Executive Director
MAREC Action

**BEFORE THE BOARD OF PUBLIC UTILITIES
OF THE STATE OF NEW JERSEY**

**In the Matter of Competitive Solar)
Incentive (“CSI”) Program Pursuant)
to P.L. 2021, C.169)**

Docket No. QO21101186

Comments of MAREC Action in response to the Request for Information (“RFI”) regarding the requirement to demonstrate electrical and building permits or submitted application of those permits with the registration package and potential alternatives to this requirement under the Competitive Solar Incentive (“CSI”) Program

MAREC Action (“MAREC”) submits these comments in response to the Request for Information issued by the Staff of the Board of Public Utilities (“BPU”) regarding the necessity to demonstrate electrical and building permits or confirmation of the submitted application of those permits with the registration package under the Competitive Solar Incentive (“CSI”) Program. MAREC appreciates the ability to comment on this important issue. We have significant concerns with the timing of these requirements and request that the Board reconsider this requirement as recommended herein.

MAREC is a non-profit 501(c)4 organization, which has over forty utility-scale wind and solar energy companies and energy storage developers dedicated to the growth and development of renewable energy in the Mid-Atlantic region and beyond. We believe that New Jersey is a critical state for developing grid-scale energy projects. To date the growth of this portion of the solar industry has been slow in New Jersey. We do think that the CSI Program can help ignite the development of these types of solar projects if the rules are fair and equitable and in a manner that are not unduly burdensome and potentially costly.

MAREC believes that the provision in the CSI Order issued by the BPU on December 7, 2022, requiring a developer that has received an award as the result of a CSI Program solicitation to provide “electrical and building permits or documentation that applications for electrical and building permits have been submitted to the relevant municipality[.]” with their registration package, presents an undue impediment for grid-scale developers seeking to participate in the program.¹

We understand Staff’s interest in ensuring that a project that has participated in the solicitation be sufficiently invested to reduce the chance that it will not come to fruition after it has been approved as part of the solicitation. However, this particular requirement may change the timing in which many developers seek to procure these types of permits, which could add costs and risk to the overall project. Because not every technical detail will be finalized at the time of the registration package and building and electrical permits require detailed technical information, under this requirement, developers may have to return to the municipalities later to seek changes to or apply for new permits due to updates to technologies or design. Even though these changes may be driven by information that helps optimize a project’s cost or land use or are in response to supply change issues that occur during the lengthy development period leading up to construction, the cost of reapplying for or modifying a building and electrical permit is great, due to the engineering design work necessary for a permit application. MAREC believes that the registration process should not hamstring developers thinking about engaging in the solicitation and should not unnecessarily raise the costs and uncertainty developers factor into their bids or even the intent to bid.

¹ In re Competitive Solar Incentive (“CSI”) Program Pursuant to L. 2021, c. 169, 2022 N.J. PUC LEXIS 367, BPU Docket No. QO21101186 (Dec. 7, 2022).
https://publicaccess.bpu.state.nj.us/DocumentHandler.ashx?document_id=1283953 at 32

We therefore recommend that the BPU Staff reconsider its decision on this one important rule. We understand that one of MAREC’s members, Enel North America, Inc. (“Enel”) offered the following two alternatives to the rule under review here. They are as follows:

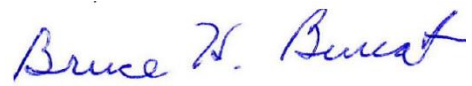
1. The NJBPU should remove the registration package requirement for projects to include electrical and building permits or documentation that applications for electrical and building permits have been submitted to the relevant municipality. To keep the process as efficient and straightforward as possible, the NJBPU should instead utilize the conditional registration process to require developers to submit these building and electrical permits at least 12 months prior to the expiration of their notices of conditional registration.
2. The NJBPU should require projects to provide documentation that a project’s proposed use or site plan is approved or conditionally approved by the host municipality, as applicable, to ensure sufficient project maturity at the time of the submission of the registration package.²

We agree with the reasoning outlined in Enel’s filing and support these alternatives as one reasonable way to protect the interests of the State and the need to ensure that there is a cost-effective result from the CSI Program. As the first round of the CSI Program is currently ongoing, we encourage the BPU to decide on this matter as quickly as possible and, if possible, implement changes ahead of the first round of bid submissions later this month.

²Enel North America, Inc. in response to the Request for Information (March 15, 2023) https://publicaccess.bpu.state.nj.us/DocumentHandler.ashx?document_id=1294274 at 7.

MAREC appreciates this opportunity to comment on the RFI and respectfully requests the consideration of our recommendations we have made in this filing.

Respectfully submitted,



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