



March 15, 2023
VIA ELECTRONIC MAIL

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

RE: Docket No. QO21101186, In the Matter of the Competitive Solar Incentive Program,
Request for Information

Advanced Energy United (“United”) and the Solar Energy Industries Association (“SEIA”) submit these comments pursuant to the Board of Public Utilities’ (“BPU” or “Board”) March 7, 2023 notice of the Request for Information (“RFI”) in the matter of the Competitive Solar Incentive (“CSI”) program, concerning the requirement that developers provide with their registration package documentation for building and electrical permits, or documentation proving submission of applications for these permits, as specified in the Board’s Order¹ establishing the CSI Program.

Advanced Energy United is a national association of businesses that are making the energy we use secure, clean, and affordable. United works to accelerate the move to 100% clean energy and electrified transportation in the U.S. Advanced energy encompasses a broad range of products and services that constitute the best available technologies for meeting our energy needs today and tomorrow. These include energy efficiency, demand response, energy storage, solar, wind, hydro, nuclear, electric vehicles, and the smart grid. United represents more than 100 companies in the \$238 billion U.S. advanced energy industry, which employs 3.3 million U.S. workers. The Solar Energy Industries Association (SEIA) is the national trade association for the U.S. solar and energy storage industries. With more than 1,000 member companies nationwide, SEIA is leading the transformation to a clean energy economy, creating the framework for solar to achieve 30% of U.S. electricity generation by 2030. SEIA works with its 1,000 member companies and other strategic partners to fight for policies that create jobs in every community and shape fair market rules that promote competition and the growth of reliable, low-cost solar power that is increasingly paired with energy storage. SEIA has more than 45 member companies located in New Jersey with many more national firms that are either already conducting business in the state or considering investing in New Jersey. United and SEIA are referred to collectively in these comments as the “we,” or “our”.

¹ Order Launching the CSI Program, December 7, 2022 at:
https://publicaccess.bpu.state.nj.us/DocumentHandler.ashx?document_id=1283953

With these comments, we would like to emphasize our appreciation of the lengths that the Board has gone to in its swift implementation of the CSI program, as well as its solicitation of input on the permitting requirement. This RFI demonstrates the Board’s understanding of the importance of project maturity at the time of registration, a factor that contributes significantly to the efficacy and efficiency of program administration. Nevertheless, as currently written, we find that the requirement that projects register with the Successor Solar Incentive (SuSI) program administrator “electrical and building permits or documentation that applications for electrical and building permits have been submitted to the relevant municipality” within 30 days of receiving an award creates a material barrier to participation in the CSI program. We strongly encourage the Board to reconsider this requirement². This requirement was not found in the Board’s CSI Straw Proposal, meaning that stakeholders were unable to provide input on this provision prior to the initiation of the first round of procurements³.

We share other stakeholders’ concerns over the mismatch between the timing required to submit permit applications and the readiness of projects to seek those applications. A project’s commercial operation date would likely not occur until several years after receipt of a program reward. Building and electrical permitting applications require developers to submit project designs and technology procurement decisions in their near-final form. The specifics of these projects are the product of highly detailed engineering designs produced over the course of long and complex development processes. Projects evolve significantly during this period as developers identify the most cost-effective and technologically relevant solutions, and, as a result, utility scale solar projects will typically only apply for building and electrical permits in the final stages of development when only very minor details remain unresolved. Current CSI requirements regarding permit applications are written such that developers would be forced to adhere to unrealistically short project development schedules in order to submit permitting applications on time, leading to suboptimal project design and the utilization of comparatively outmoded technologies selected several years prior to their anticipated date of commercial operation. Additionally, condensing these schedules to such a degree has the potential to drive up project costs significantly, depriving developers of the time needed to evaluate and select appropriate land-usage strategies and cost-effective equipment packages.

Project maturity requirements are critical to successful program administration, but as Enel and other solar industry stakeholders have noted, they must simultaneously minimize the submission of overly speculative applications and allow sufficient time for robust project development processes.

² Ibid., 32-33

³ New Jersey Competitive Solar Incentive (“CSI”) Program Daymark/Staff Straw Proposal at: <https://nj.gov/bpu/pdf/publicnotice/20220426%20Consolidated%20Straw%20Version%2013%20with%20Notice.pdf>



To ensure that competition within this program remains robust and that rewards are not reserved only for developers with the resources required to undertake the onerous and ongoing process of submitting multiple revisions to their permitting applications, United and SEIA therefore recommend that the Board reconsider its 30-day permitting requirement. While we refrain from making specific recommendations regarding the ideal solution, we encourage the BPU to draw on the experiences of developers who face barriers to participation as a result of this requirement in its development of a more equitable and manageable alternative. Additionally, we encourage the BPU to make these changes applicable to the ongoing round of procurements, ending March 31, 2023.

In conclusion, we appreciate the Board's consideration of these comments as it continues to streamline its administration of the Competitive Solar Incentive program and remain available to answer any related questions.

Sincerely,

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