



May 15, 2023

New Jersey Board of Public Utilities
Secretary of the Board
44 South Clinton Ave., 1st Floor
PO Box 350
Trenton, NJ 08625-0350

RE: Feedback the Proposed Community Solar Permanent Program (Docket No. QO22030153)

Dear Secretary Diaz,

Thank you for the opportunity to provide feedback on the development of New Jersey's permanent community solar program. As the statewide nonprofit representing Environmental Commissioners, the Association of New Jersey Environmental Commissions (ANJEC) is dedicated to helping New Jersey environmental commissions, individuals, local and state agencies preserve natural resources and promote sustainable communities.

We feel strongly that many elements of the Community Solar Program, and the permanent program as you have outlined in your Straw Proposal, are aligned with our mission. However, we welcome the chance to call attention to two aspects of the proposal that must be addressed if the program is to continue delivering the many benefits to communities, to our precious natural resources, and to the environmental justice communities that have for decades suffered historic wrongs in terms of energy siting and pollution.

RESPONSE TO Staff question for stakeholders 6: Please comment on the proposed process for project registration. Do you believe using bill discount offering is an appropriate method to select projects, should there be more applicants than capacity available?

New Jersey was at the forefront of expanding access to renewable energy and providing affordable solar energy to disadvantaged and overburdened communities. However, changes to the program – specifically the tiebreaker focused on LMI discount rate – counterintuitively could hurt the program by lowering the number of projects that get built. Instead of using LMI discount rate as a tiebreaker, BPU should require developers to provide proof of community support, which demonstrates a higher chance that the project will be successful as the Pilot program has shown. A tiebreaker on bill credit discount rates, especially without accountability measures for the developers, increases the chances of ghost projects that take up space in the program but don't get built. If projects are not completed, they cannot bring their environmental and economic benefits to a community.



In addition, BPU should require developers to submit objective evidence of community support such as mayor support, environmental commission support, or a municipal resolution as a tiebreaker for selecting an approved application. To reduce burden on BPU staff demands for scoring such submissions, developers could be asked to fill out a cover sheet and self-attest as to a points system how many pieces of objective evidence of community support they have enclosed with their application.

RESPONSE TO Staff question for stakeholders 21: Without a preference for projects which serve only the municipality or county in which they are located and neighboring municipalities or counties, how should projects in the Program maintain focus on local communities?

The Pilot community solar program has become nationally renowned for the local benefits it brings to residents, businesses, and of course the environment in terms of cleaner air and a lower reliance on fossil fuels. However, the opt-out program structure as currently outlined in the Straw Proposal could rip away those local benefits, and worse, could worsen historic environmental injustices. Allowing developers to subscribe a project to an opt-out program in any town within an EDC could mean that a single city could host multiple community solar projects yet the residents receive none of the energy cost lowering benefits. Our understanding is that within this setup developers will be incentivized to offer opt-out programs to wealthier towns, while poorer towns are left completely out of subscription opportunities. We urge the Board to adjust this in the permanent program and restrict opt-out program to the same or adjacent municipality to a community solar project.

New Jersey's environmental commissioners are eager to support and deliver the benefits of the community solar program, but without these changes they will be severely limited in their ability to do so. We thank you for your time and consideration, and hope that you will strongly consider incorporating these changes into your final program rules later this year. We invite you to reach out should you have any follow-up questions or require clarification on the comments presented on this matter.

Sincerely,

Jennifer Coffey

Executive Director

Association of New Jersey Environmental Commissions (ANJEC)