



LEGISLATIVE VIEWPOINT

**New Jersey State League
of Municipalities**

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May 15, 2023

Via Email to Board.Secretary@bpu.nj.gov

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

**Re: In the Matter of The Community Solar Program
Docket No.: QO22030153**

Dear Ms. Golden,

Please accept these comments from the New Jersey State League of Municipalities regarding the Community Solar Energy Program. Please note that these are general comments and may relate to one or more of the elements within the Board of Public Utilities' straw proposal.

The purpose of the Community Solar Energy Program (the "Program") is to enable customers to participate in a solar energy project that is remotely located from their properties and receive a credit on their utility bill for their participation – allowing participants to support renewable energy and potentially reduce their energy costs.

The initial Pilot Program under the Board of Public Utilities ("BPU") focused on ensuring low- and moderate-income ("LMI") customers had priority access. In fact, all 150 projects selected for the Pilot were LMI-access projects, meaning at least 51% of capacity was reserved for LMI households and affordable housing providers. In addition, the projects were planned to be located on rooftops, parking canopies, landfills, or brownfields, avoiding compromising any open space or protected land.

As the BPU now looks to convert the Pilot Program into a permanent program, it must maintain and build upon those aspects of the Pilot Program that allowed LMI customers access, and encouraged projects be built in places that do not encumber other productive uses of land. Additionally, the BPU must take steps to ensure that projects that receive approval can realistically be completed and ultimately do get completed so that the advertised benefits get passed along.

One way to ensure projects are built and subscribed to includes requiring a substantial and nonrefundable deposit or performance bond for projects under consideration and unassociated with a government entity. Requiring a substantial deposit or performance bond will ensure that applicants only take up capacity if they are confident in their ability to perform. Far too many of the projects that received conditional approval under the Pilot Program have yet to be completed and one of the reasons for this is applicants overstated their ability to perform.

Further, the BPU must incentivize meaningful engagement and investment in the communities where projects are sited to avoid continuing a history of environmental injustice. To achieve this, applicants with support from the local government wherein the project is to be located should be given higher consideration. Incentivizing local support ensures project applicants take the time to listen to and provide a benefit back to the communities they intend to operate in. The BPU's current straw proposal would see much of this local buy-in removed. However, given the importance of community input we recommend that local buy-in remain.

Thank you for your time and attention to our concerns. If additional information or clarification is needed, please do not hesitate to contact me at 609-695-3481 x. 137 or via email at FMarshall@njlm.org.

Very truly yours,

S/Frank Marshall

Frank Marshall
Associate General Counsel
New Jersey League of Municipalities