

May 2, 2023

**Secretary of the Board**  
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Trenton, NJ 08625-0350

New Jersey Board of Public Utilities  
Docket No. QO22030153

Dear NJPBU Board Members,

RIC Energy appreciates the effort of the NJ BPU staff in developing this straw proposal for New Jersey's Community Solar Energy Program (CSEP). The following comments are respectfully submitted on behalf of RIC Energy in response to the Staff Straw Proposal. We ask that these comments be given due consideration when developing final rules for the CSEP program.

#### Project Siting

The staff straw proposal recommends siting community solar projects only on rooftops, carports and canopies over impervious surfaces, contaminated sites and landfills, and manmade bodies of water that have little to no established floral or faunal resources.

This recommendation is detrimental to the potential for community solar development in New Jersey. RIC strongly urges the BPU to expand the site types for the CSEP program to include greenfield development on non-protected lands. By limiting siting to the types of sites currently being recommended, the program will severely limit opportunities for solar development and will significantly hinder New Jersey's ability to achieve its clean energy goals. The exclusion of agricultural lands and greenfield sites will also have a disproportionate negative impact on rural landowners wishing to capitalize on their underutilized land, preventing these New Jerseyans from reaping the full potential benefits of this program. In addition to individual landowners, New Jersey's townships will also lose out if this program does not allow greenfield development. PILOT agreements between developers and municipalities offer a tremendous benefit to communities; a benefit which will not be realized in New Jersey under the proposed siting requirements. The currently recommended siting types will also likely result in significant amounts of unallocated capacity for each year of the community solar program, leaving the program short of its targets. Expanding the list of site types to allow for greenfield development is absolutely essential to the success of this program and its ability to serve a significant role in New Jersey's clean energy transition. A program allowing



projects to be sited on only the currently recommended site types is all but guaranteed to fail both as a program and in serving its larger purpose.

#### Program Capacity

In the proposal staff recommends not reallocating capacity from projects that do not reach commercial operation, claiming that the administrative challenges of reallocating capacity sometimes years after the capacity is initially allocated would be too burdensome.

RIC encourages the BPU to allow for the reallocation of capacity from projects that do not reach commercial operation to ensure the highest possible solar deployment under the CSEP. The primary goals of the program are to increase the percentage of New Jersey's energy generated by renewable resources, specifically solar, and provide all associated benefits to the state's energy consumers, energy grid, and the environment. In order to maximize those benefits, all efforts should be made to ensure that all program capacity is allocated to projects which eventually reach commercial operation.

#### Application Process and Project Selection

Staff recommends that all projects submitted within the first ten days of a registration period be reviewed for completeness and eligibility.

RIC recommends that applications submitted during that time period still be considered on a first come-first served basis up until capacity is fully allocated and remaining applications be added to a waitlist. RIC recommends this approach instead of prioritizing projects based on proposed minimum guaranteed bill credit savings rates.

#### Response to Staff Question 6

RIC believes that bill discount offerings are not an appropriate method to select projects. Selecting projects based on the highest bill credit discount offering will inevitably result in a race to the bottom in which developers will claim to be able to offer discounts far greater than what is practically financeable. This will result in projects either not being able to reach commercial operation, or projects reaching commercial operation and not delivering their guaranteed bill discount offering. Such a method of project selection will result in a crushing administrative burden in which the BPU will need to navigate a high volume of applications guaranteeing infeasible and impractical bill discounts. Additionally, such a method of selection will inevitably prevent good projects from being selected in favor of projects which make empty promises.

#### Response to Staff Question 7



RIC supports the proposed project maturity requirements and believes that they are sufficient to curb the number of applications for projects with low feasibility. RIC also supports the proposal for an application fee to be paid at the time of application for the program. RIC does not support an escrow requirement and believes that the proposed maturity requirements in addition to an application fee are sufficient to ensure significant financial investment in project applications.

#### LMI Income Verification Standards

RIC recommends that the proposed uniformed self-attestation form be explicitly exempt from the penalties of perjury. Other state programs which have proposed self-attestation as a method for LMI verification have included this provision to further ensure the participation of LMI customers. Given the complexity of the LMI definition, a standardized form presented to a potential LMI customer which states that signing the form carries with it the penalties of perjury, may dissuade a potential customer from subscribing.

#### Consolidated Billing

RIC recommends that the date by which EDCs are required to provide consolidated billing coincides with the start date of the CSEP program. The primary purpose for consolidated billing is to improve the customer experience and reduce customer burden and confusion. If the program were to begin without consolidated billing and eventually switch to consolidated billing, there would be unnecessary customer confusion which could be avoided by requiring consolidated billing from the onset of the program.

#### Interconnection Process

RIC supports the recommendation that EDCs be required to ensure that their hosting capacity maps are up to date and accurate. RIC further recommends that the BPU explicitly define the type of information which must be included in the hosting capacity map. RIC also recommends the BPU develop an enforcement mechanism for EDC compliance with hosting capacity map reporting requirements including some type of penalty for noncompliance. While several states require utilities to maintain hosting capacity maps the information is often so vague it is not helpful or so out of date that it is not only unhelpful but potentially misleading. This situation can only be avoided by establishing an explicit definition of the information required and enforcing penalties for noncompliance.

#### Response to Staff Question 19

RIC believes that incentives under the ADI program should not be modified based on federal incentives for several reasons. The IRA guidance which has



been released to date regarding ITC adders has been both incomplete and inconsistent with the initial general understanding of how the adders would be awarded. Uncertainty remains around how many projects will truly ultimately benefit from the IRA adders. Additionally, IRA benefits are limited and projects across the country will be competing for these limited federal incentives. Therefore, RIC recommends that ADI incentive levels remain independent of IRA incentives.

On behalf of RIC Energy, thank you for considering our comments on the CSEP program. For any questions or comments please contact Gerard Weir at [gweir@ric.energy](mailto:gweir@ric.energy).

Sincerely,

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