

Bromley Community Solar, LLC
1 North Johnston Avenue, Suite D308
Hamilton, New Jersey 08609

May 15, 2023

(Via Email board.secretary@bpu.nj.gov)
Secretary of the New Jersey Board of Public Utilities
New Jersey Board of Public Utilities
44 South Clinton Avenue
1st Floor
PO Box 350
Trenton, NJ 08625-0350

Re: Docket No. QO22030153
Comments

Dear Board Secretary and Staff:

Thank you for the opportunity to provide comments and participate in the regulatory process. The below comments are submitted on behalf of Modern Renewables a/k/a Bromley Community Solar, LLC ("Modern Renewables/Bromley") the owner of three (3) Community Solar Systems located in Hamilton Township.

Modern Renewables/Bromley supports the Community Solar Energy Program and the benefits that it provides to utility customers in the State. The comments below are offered in support of and to promote the guiding program principles outlined in the proposal; in particular, the principles of continuing to promote the growth of the community solar program and providing maximum benefit to ratepayers at the lowest cost.

As these comments are reviewed, there are several general themes. First, program simplification is needed to facilitate understanding by the of community solar. Second, there are limited economic resources the use of which is best focused on providing the service. When the number of resources spent on the subscriber process and the results are reviewed, too many resources (time and money) are currently devoted to "marketing" of subscribers. Agency expertise to guide and target these efforts is needed.

With respect to program simplification, consolidated billing is a critical component. Two monthly invoices add a level of complexity that is not only viewed as additional "work" and "risk" by potential subscribers, but also often results in questions about a process and program that is unfamiliar. Self-verification is a second key component. People are reluctant to provide detailed financial information (tax returns, financial statements) to governmental bodies, owners/operators and subscriber organizations who may provide contract services. The reluctance exists whether the government or a

private organization is requesting disclosure of such financial information to voluntarily participate in a program.

With respect to the focused use of resources, the agency's expertise in providing guidance and assistance to identify and increase participation of low and moderate income (LMI") subscribers would benefit the program. Agency guidance and expertise to target the efforts to reach and sign up LMI subscribers would maximize the benefits to the community and provide for more efficient resource use.

Use of automatic enrollment (Question 22) now, even as part of a pilot should be implemented without waiting for consolidated billing.

The Community Engagement Plan (Question 25) could also be a valuable component of the program if targeted. However, the focus needs to be on the service, not just increasing and formalizing the planning requirements or lengthening the administrative process.

Respectfully, the Staff question for Stakeholders as to the content of such plans to ensure meaningful collaboration with the surrounding community could be broadened. Staff themselves, based on interaction with the regulated community may have valuable input. BPU has already developed educational materials that could be used as a consistent baseline. Sufficient flexibility must remain to recognize that the appropriate measures may differ between communities. Communities have different characteristics.

Local groups and community organizations can and do provide valuable outreach. Their continued involvement is critical. However, implementation of community solar projects is not their sole mission. Efforts to encourage, but not mandate liaisons should continue.

A multiprong approach best serves the community solar program. This would include automatic enrollment trials, education materials released by BPU, local groups and community organizations and individual participant planning.

LMI Access - Questions 10 (LMI Participation) and 21 (Geographic Distance Between Projects and Subscribers) and 11 (LMI Income Verification Standards)

Modern Renewables/Bromley has no objection to the Staff recommendation that all projects be required to serve a minimum of 52% LMI subscribers, as measured by capacity subscribed.

In connection with this requirement, it is also important to remove municipal and county boundary requirements that apply to subscribers. There should not be any requirement that a subscriber live in the same or adjacent municipality or county as the project location. This is an artificial boundary that limits subscriber access.

Allowing participation of a geographically larger community benefits the public and will provide for systems to reach a larger segment of the public. Staff is correct that subscriber participation can be anticipated to will increase.

A requirement that the subscribers be served by the same utility as the community solar project would provide statewide opportunities for many projects. As a result, the benefits of community solar would be available to more residents of New Jersey.

Modern Renewables/Bromley supports a definition of “EDC area” that includes all franchises in the State of New Jersey held by an electric distribution company. No requirement should be included that the subscribers be in the same franchise area as the project. Any such requirement could effectively impose the same type of limit as the municipality and county limits discussed above.

With respect to income verification, Modern Renewables/Bromley supports the most favored option recommended by Staff -standardized self-attestation forms for all subscribers. We concur that individuals are often uncomfortable providing tax returns and other personal financial information. Modern Renewables/Bromley disagrees that “...developers would falsely identify potential subscribers as LMI, in order to meet program standards.”

NJAC 14:8 -13.7(d)(2)(iii) provides for the use of a self-attestation form but then further requires recording through an authorized administrator procured by the Electric Distribution Company (“EDC”). Modern Renewables/Bromley respectfully requests that the process be simplified. These forms could be maintained under the same requirements already in place for other recordkeeping. Additional administrative costs, without commensurate offsets do not foster the program goal of increasing LMI participation.

Modern Renewables/Bromley does however disagree with any requirement that self-attestation be completed through a third-party platform or organization who would be responsible for maintaining records. This is a business decision that we respectfully suggest the system owner/operator be allowed to make. Requirements that increase development costs for community solar systems, without a corresponding decrease in those costs, do not foster the continued expansion of the program into new communities.

Question 15 (Consolidated Billing) and 26 (Pilot Program)

Modern Renewables/Bromley agrees with Stakeholder feedback and Staff recommendation that customers will be better served by consolidated billing. The receipt of a single bill each month by the subscriber/customer will simplify the process for the consumer. The simplified process will be easier for the subscriber and eliminate concerns of some subscribers – missing payments and not paying the correct amount.

Projects already in operation should be allowed to participate in any consolidated billing.

The regulations should clearly identify the services that the EDC is required to provide as part of consolidated billing. For example, are collections included (see below)?

Modern Renewables/Bromley does not support the assessment of a “utility credit of no greater than 1 percent of the value of the bill credit.” While Modern Renewables/Bromley has no objection to the consolidated billing being performed by the EDC, the amount of the permitted fee merits careful evaluation. Requirements that increase development costs for community solar systems do not foster the continued expansion of the program into new communities.

NJAC 14:8 -13.6 (q) Community Solar Billing does not provide sufficient oversight of the process and conditions to be developed by each EDC. As indicated above, the utility administration fee, codified in the proposed regulation at NJAC 14:8 -13.6 (q)7 as 1% of the subscription fee, is excessive. The EDC will not be handling all of the operator's administrative costs, only a small portion.

For those community solar providers currently using third party companies for administrative services, billing, tracking, collection, and the like, the EDC will not replace those third-party companies. The EDC, as we understand the proposal, will only provide a bill. Will the EDC also handle collection of the community solar providers component of any unpaid consolidated bills? Since the third-party company generally provides the community solar operator with a broader range of services, there will be ongoing costs for the third-party service providers, in addition to the billing fee charged by the EDC.

Modern Renewables/Bromley supports the Staff recommendation that a work group comprised of representatives from the various stakeholders be established and suggests that in addition to working to develop a billing process, associated charges be evaluated as well, prior to adoption of a specific fee in the rules.

Thank you for the opportunity to participate in this process.

Respectfully submitted,
Bromley Community Solar, LLC

A handwritten signature in blue ink, appearing to read 'Margaret B. Carmeli', is written over the typed name below.

By: Margaret B. Carmeli, Esq.