



12/13/2023

Sherri L. Golden  
Secretary of the Board  
44 South Clinton Avenue  
Trenton, NJ 08625-0350

**Stakeholder Recommendations RE: Docket No. Q023090679 In the Matter of the Dual-Use Solar Energy Pilot Program**

Dear Secretary Golden,

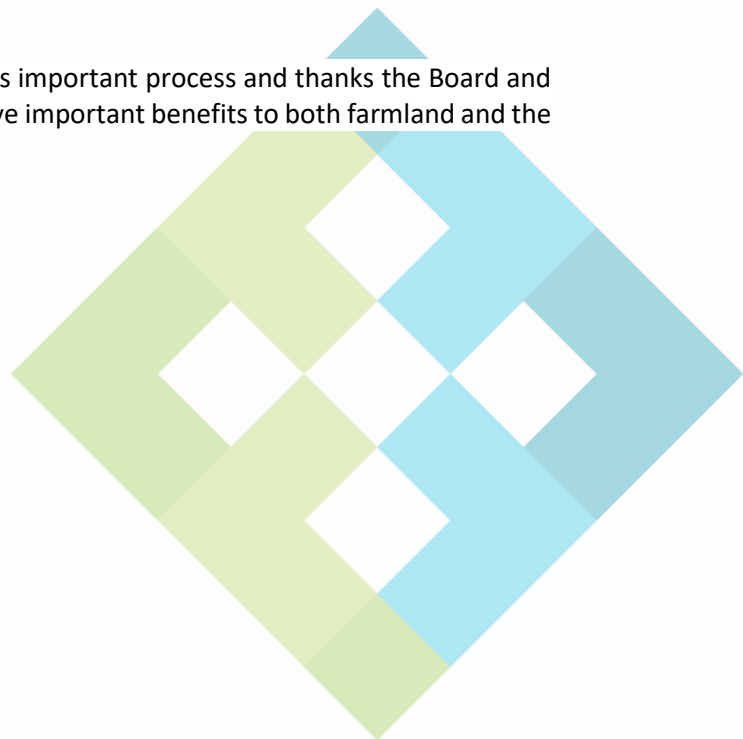
ForeFront Power is appreciative of the work done by the Board of Public Utilities to release the Dual-Use Solar Energy Pilot Straw Proposal. The Dual-Use Solar Energy Pilot Program, being implemented pursuant to the New Jersey Dual-Use Solar Energy Act of 2021, is an important measure to balance the advancement of clean energy implementation while protecting agricultural interests in the State of New Jersey. Staff has requested stakeholder feedback in the Straw Proposal, and ForeFront has highlighted our core recommendations below.

ForeFront Power is a DG solar developer serving both nationwide public and private sector customers, as well as developer of several successful portfolios across nationwide Community Solar markets. ForeFront recognizes the important regenerative and environmental benefits of incorporating agrivoltaics into our project sites, and we look forward to participating in this program in the state of New Jersey alongside our landowners and farmer partners.

ForeFront appreciates the opportunity to participate in this important process and thanks the Board and staff for their work in implementing a program that will have important benefits to both farmland and the clean energy transition. Thank you for your consideration.

Respectfully submitted,

Rebecca Peichel  
Sales Director  
ForeFront Power



**Recommendation 1: Dual-Use Projects and Community Solar**

*Response to Question 3: Which of the alternative approaches to awarding an incentive to a dual-use solar energy project eligible for the CSI Program provide the most competitive, efficient, and effective outcome at the least cost to ratepayers?*

Dual-use projects up to 10 MW should be allowed to participate in the Community Solar category as part of the Administratively Determined Incentive (ADI) program. Capacity should not count towards the Community Solar Energy Program (CSEP) but should leverage capacity from the dual-use pilot program to enable these projects. As community solar projects, the sites will provide savings to residential and low-income customers, enabling the energy serve a greater purpose. This approach aligns with New Jersey's Energy Master Plan, which prioritizes access for communities historically left out of the clean energy transition.

The layered effect of meeting state goals across multiple categories in protecting farmland while enabling access to residents not otherwise able to take advantage of clean energy is an efficient use ratepayer funds. As the incentive structure for dual-use projects is being designed to allow for a base incentive plus an adder for dual-use, it should not be overlooked that two streams of revenue are critical to project success. The offtake revenue for dual-use projects, without community solar, is limited to behind-the-meter or wholesale. Given that on-site load in agricultural settings is often low, few dual-use project sites will have significant on-site load. Community solar revenues will alleviate the burden of project reliance on incentives and adders to pencil.

While we recognize the CSEP permanent program is in an early permanent program stage currently at the end of calendar year 2023, at the time the first applications for the dual-use pilot program will be likely due to the Board, the CSEP program is likely to be in a more mature state and may be completed with its Program Year 2 registration period. To qualify to serve as community solar sites, a dual-use project wishing to also serve as community solar could be required to submit a Community Solar Engagement and Subscriber Acquisition Plan standard form along with their dual-use pilot program application, and meet the same CSEP requirement of the project being in partnership with a New Jersey BPU-registered Subscriber Organization.

**Recommendation 2: Workable Dual Use Control Area**

*Response to Question 2: What additional information should be collected to enable an evaluation of solar construction and operational impacts on the land beneath and adjacent to the solar array?*

Requiring a 50% control area is highly detrimental to potential project sites from an economic and practical standpoint. We encourage the board to reconsider the control area required for projects to not render many otherwise-qualifying potential dual-use sites with willing, eager landowners and tenant farmers unfeasible. In discussion with one of our research partners, a significantly smaller control area has been used in other studies, and should be sufficient to collect and extrapolate data for research purposes. We recommend a 10% control area as manageable from both a development and farming perspective, as well as able to provide meaningful data.

**Recommendation 3: Dual Use Capacity Allocation Targets**

*Response to Question 10: What challenges or obstacles do you foresee that could prevent a project applicant from providing research results within the timeframe of the Pilot Program?*

ForeFront has developed relationships with landowners over the past several years, and given that there has been market demand growing since the passage of the Act in 2021, we recommend 100 MW capacity in Year 1 and 100 MW capacity in Year 2. Dual use projects are likely to experience lengthy permitting and approvals timelines, and depending on when the project completes construction, may need to wait until the next crop season to implement the crop. Increasing capacity allocations earlier in the pilot program will enable more projects to get in the ground and data to be returned and evaluated faster for the important research component of this program. It is understandable that the board does not want to be overwhelmed with applications, but it is likely that the dual-use pilot program, especially with a pre-qualification round, will have a significantly smaller number of applicants than other programs, like the community solar pilot program in the past.

We would also encourage implementation of a waitlist, such that if an awarded project becomes unfeasible during the development process, another qualifying project could receive capacity at an earlier date than waiting for the next solicitation, enabling more dual-use MW to be developed and deployed sooner.

#### **Recommendation 4: Dual Use Project Interconnection Process and Feasibility**

*Response to Question 4: In addition to scoring an application based on its status in the interconnection process, should a minimum level of project maturity within the interconnection planning process be required of an applicant?*

Similar to the action the Board took in the CSEP program rulemaking process, we encourage the Board to direct EDCs to begin processing dual-use interconnection applications as soon as possible. Hosting utility maps do not reflect the full story of potential upgrades that can enable projects, and without a study, projects do not have a reliable way to evaluate the cost and feasibility of interconnection. Dual-use projects are currently unable to move forward in the interconnection queue, which places them at risk of delay behind other ADI-eligible projects. If projects will be required to demonstrate maturity or provide information about interconnection feasibility as a part of the application process, there should be a reasonable timeline to allow the utilities to process and return studies.

#### **Recommendation 5: Dual Use Permitting Language Clarification**

*Response to Question 6: What additional information pertaining to techniques for minimizing the negative impacts to farmland would be useful for including in the Pilot Program for the purposes of informing a future, permanent dual-use program design?*

Dual-use projects, per the Act and the Straw Proposal, are considered a permitted use within every municipality. We feel greater clarification would be helpful to permitting authorities, and the final program rules should further define that dual-use projects do not require a special use or conditional use permit in accordance with statute.

#### **Recommendation 6: Dual Use Research Design Flexibility**

*Response to Question 13: The Act gives the Board the authority to designate additional criteria in reviewing and making decisions about dual-use projects. What additional information pertaining to diversity of size and productivity would be useful for the purposes of future permanent dual-use program design?*

The pilot program should allow the farmer flexibility to pivot and learn as they progress through the years of the dual-use pilot program. In other markets, farmers have been hamstrung by overly

prescriptive rules and not allowed to change the type of crop they produce if one crop proves to not be viable. This increases stress to the farmer, who should be allowed to learn, adjust and adapt within the program framework if they find that a certain crop or method of farming unsuccessful in the agrivoltaics environment, while maintaining the site's qualification agriculturally assessed land.

The Pilot program should also avoid a narrow focus on exact crop yield comparison between array and non-array conditions. Rather, we should design for outcomes that demonstrate how farmers change their practices in an agrivoltaic array and how those practices influence farm viability. We can learn from what does not work and how we adapted to that challenge as much as we learn from what does work. Further, impacts of solar lease revenue on the viability of unpreserved farm parcels staying in farm production vs a farm being lost to other potential development (warehouses, housing, etc) should also be evaluated as a positive stabilization to farm revenue. Results from this approach will translate to real-world insight that can be used to inform the permanent program.