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Via E-mail

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

RE: In the matter of the New Jersey Dual-Use Solar Energy Pilot Program. Docket No. QO23090679

Dear Secretary Golden,

H and Y Associates Inc. ("H&Y") appreciates the opportunity to provide written comments in response to the request associated with the Board of Public Utilities' ("BPU" or "the Board") Straw Proposal for the Dual-Use Solar Energy Pilot Program. We thank the BPU and Rutgers Agrivoltaic Program for their hard work in developing this Straw Proposal and are excited to see the success of this program as a key factor in achieving New Jersey's clean energy goals while preserving the agricultural heritage of the Garden State. In the Straw Proposal, BPU Staff requested stakeholder feedback on thirteen questions, which we have responded to below.

We look forward to reviewing proposed program rules that the Board anticipates on issuing after reviewing stakeholders' comments and responses to the Staff's questions.

Sincerely,

William Yen
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H&Y Responses to Staff Questions

We are pleased to respond to the following questions put forward in the Notice for this docket.

1. What additional pre-solar conditions of the farm parcel proposed for a solar array should be documented?

We agree with the Board's recommendation that farm parcel's continued eligibility for the agricultural tax assessment should be a minimum requirement for the Dual-Use eligibility. Monitoring of soil conditions both before and after array installation as proposed by the Board is also recommended. We do want to note that the continued frequent monitoring of soil conditions in both the array and control areas is an additional cost that should be taken into consideration when evaluating incentive values for the Dual-Use program.

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.

We agree with the Board's recommendation to follow standardized methodology for documenting pre-solar conditions. A clear reason for collecting particular pieces of information or data should also be considered to avoid excessive costs that would impact rate-payers. While we do agree that a large enough control area is necessary for any peer-reviewed research, we believe that a control area of equal size to the array makes most projects impractical, especially for larger sized arrays. A fixed sized control area, rather than a percentage of the array, could be considered to account for any experimental variability.

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.

Due to the relatively small scale of the Dual-Use pilot program, we recommend the Board consider allowing all Dual-Use projects, regardless of size, to qualify for the ADI program under the "Canopy" qualifier with a new Dual-Use adder. The CSI Program is still undergoing changes as it becomes fully established and we believe it adds an extra layer of complexity to this pilot program.

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?

While we believe project maturity within the interconnection planning process should be considered during the evaluation of projects, but we do not believe it should be made as a requirement. PJM and EDC interconnection queues are already congested as-is. Adding dual-use projects that might not be approved for the Pilot Program would only add to the existing issue. We also encourage the Board to consider directing EDCs to expedite the interconnection review of Dual-Use projects

5. What stage should a project have achieved in the PJM interconnection queue or in the NJ EDC interconnection application process to be considered eligible to apply in the Pilot Program?

Please see our response to question 4.

- 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?**

We believe that the siting restrictions included in the Straw Proposal are sufficient for mitigating negative impacts to farmland for the pilot program. Data gathered during the pilot program, including soil evaluations, should be used to determine if further requirements would be needed for the permanent dual-use program.

- 7. What additional information pertaining to techniques for addressing decommissioning would be useful in the Pilot Program for the purposes of informing a future, permanent dual-use program design?**

Solar developers should continue to follow standard decommissioning and restoration best practices already established. This includes removal of all equipment, structures, and wiring associated with the array and restoration of the site to pre-development conditions.

- 8. What additional information pertaining to techniques for managing stormwater impacts from impervious coverage and optimizing water management would be useful for considering in the Pilot Program for the purposes of informing a future, permanent dual-use program design? Is there a certain panel density below which we can anticipate minimal environmental impact, including but not limited to those from stormwater runoff?**

We believe that current stormwater regulations are sufficient to protect agricultural soils and restrictions on panel density at this stage would not be necessary.

- 9. What additional information pertaining to technical feasibility and technical innovation would be useful for the purposes of informing a future, permanent dual-use program design?**

There is a heavy emphasis on research for the Dual-use program. Strong experimental design (including clear hypothesis and methods for collecting data) is crucial for a) determining the addition cost associated with the research and data collection, and b) ensuring high-quality and sufficient data is collected. We believe it is important to have transparency and clear lines of communication with program administrators to ensure the success of the research associated with the Pilot Program.

- 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?**

Development of a new PV project takes multiple years with the longest items being the interconnection and permitting process. Once a project is complete, some agricultural uses can take 1-2 years to fully establish. With this in mind, we strongly suggest the Board consider the annual capacity targets as minimums rather than caps in order to get good-quality projects established as soon as possible.

- 11. What additional criteria, if any, should the Board consider in making its awards?**

We believe the Board has included sufficient criteria in the Straw Proposal for making awards. We strongly recommend that the board make the section process and criteria transparent with clear scoring rubrics to ensure projects are aligned with the Pilot Program's overall goals.

- 12. If so, how should those additional criteria be weighted?**

We recommend the Board not consider additional criteria at this time.

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 current design of the Dual-use straw proposal seems to lean towards comparing array versus non-array conditions for existing agriculture but does not necessarily take into account the farm as a whole. For example, the implementation of agrivoltaics may decrease yields of current crops but could allow for farmers to grow new, higher-value crops or use techniques not previously possible. While we understand the necessity of gathering specific data for peer-reviewed research, the Pilot Program should also consider the overall health and viability of the farm as a whole.