



June 24, 2024

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 DUAL-USE SOLAR ENERGY PILOT PROGRAM - Q023090679

Dear Secretary Golden:

On June 11, Staff of the New Jersey Board of Public Utilities ("BPU" or "Board") invited interested parties and members of the public to submit their written comments on the preliminary draft rule ("draft rule") in preparation of a formal rulemaking for the Dual-Use Solar Energy Pilot Program ("Dual-Use Pilot"), pursuant to L. 2021, c.170 of the Dual-Use Solar Energy Act. The Coalition for Community Solar Access ("CCSA"), New Jersey Solar Energy Coalition ("NJSEC"), and Solar Energy Industries Association ("SEIA") appreciate the opportunity to provide input on the preliminary draft rule for the Dual-Use Pilot. CCSA, NJSEC, and SEIA (together "we" for the purposes of these comments) submit the following comments.

Respectfully submitted,

Charlie Coggeshall /s/
Mid-Atlantic Regional Director
Coalition for Community Solar Access

Fred DeSanti /s/
Executive Director
New Jersey Solar Energy Coalition

Leah Meredith /s/
Senior Manager, Mid-Atlantic Region
Solar Energy Industries Association

CCSA, NJSEC and SEIA Background

CCSA is a national, business-led trade organization, composed of over 120 member companies, that works to expand access to clean, local, affordable energy nationwide through the development of robust community solar programs. Its members range from pure-play project developers to companies focused on customer engagement, and everything in between. CCSA and its members – of which there are over thirty engaged in New Jersey – are actively participating in the development and implementation of the State’s Pilot and Permanent Community Solar programs. Dual-use solar development is a rapidly growing segment of the community solar industry throughout markets across the country.

NJSEC was formed to create public policy support for New Jersey’s solar industry. NJSEC works in legislative outreach, education, and the development of realistic public policy alternatives that align with the fiscal and social circumstances that are unique to New Jersey. NJSEC members include local and national developers, renewable energy credit market traders and analysts, engineers, and legal and accounting professionals supporting all phases of New Jersey’s solar industry.

SEIA is the national trade association for the United States solar industry. As the voice of the industry, SEIA works to support solar as it becomes a mainstream and significant energy source by expanding markets, reducing costs, increasing reliability, removing market barriers, and providing education on the benefits of solar energy and energy storage. SEIA works with its 1,000 member companies and other strategic partners to advocate for policies that create jobs and shape fair market rules that promote competition and the growth of reliable, low-cost solar power. SEIA’s member companies range from manufacturers, residential, community solar, commercial, and utility-scale solar developers, installers, construction firms, investment firms, and service providers. SEIA has nearly 50 member companies located in New Jersey with several more national firms also conducting business in the state.

CCSA, NJSEC, and SEIA Comments

While we are grateful for some changes captured in the current draft rule that reflect recommendations provided by stakeholders in response to the (November 2023) straw proposal, we are disappointed in learning from BPU Staff that community solar remains an ineligible aspect of dual-use as proposed in the draft rule. This appears to be inconsistent with the Board’s proposal in the draft rule that dual-use projects be able to participate in both the ADI and CSI programs and would also fail to recognize the pent-up demand for development of dual-use pilot projects at the community scale (1 to 5 MWs).

It's also inconsistent with public opinion, as demonstrated by the various stakeholders that submitted comments in response to the 2023 straw proposal, whereby there were **no opponents** of allowing the Dual-Use Pilot to combine the benefits of dual-use and community solar. Indeed, most commenters were explicit **proponents** of seizing this opportunity, ranging from the primary

solar trade organizations in the state and individual solar companies, to the NJ Farm Bureau and American Farmland Trust.

Dual-use projects in New Jersey 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 to enable these projects. NJ is in a unique position to leverage the additional capacity created for the dual-use program to expand the equity benefits of community solar, all while preserving farmland and efficiently using ratepayer funds. Other community solar markets have recognized this opportunity, such as Illinois, Maryland, Massachusetts, and New York, where community solar projects are incented to incorporate dual-use. We believe experience in neighboring markets has resulted in developers with the most mature potential projects (in New Jersey) and skills in dual-use (e.g., agrivoltaics) to reside primarily in the community solar space.

To that end, we seek just a few minor edits to the draft rule that would have a significant impact on the benefits being generated by solar programs in the Garden State. These include the following:

1. Include explicit language to allow dual-use pilot program projects to participate in the Community Solar Energy Program under the Administratively Determined Incentive program.

14:8-11.4 Successor Solar Incentive Program Eligibility

- (l) **Dual-Use Solar Energy Projects approved by the Board for ADI Program incentives, including the Community Solar Energy Program, as described at N.J.A.C. 14:8-13 shall be eligible for an ADI Program incentive in the relevant market segment or may if not directed to participate in the CSI Program. A Dual-Use Solar Energy Project may be awarded a Pilot.**
 - (m) **Dual-Use Solar Energy Projects approved by the Board for CSI Program or ADI Program incentives may be awarded a Pilot Program incentive Adder.**
2. Adjust the control plot requirements to allow smaller sites and more farmers to participate in the program without undue financial strain, land constraint, or changes to existing agricultural practices.

14:8-13.9 Installation, construction, and operational requirements

- (e)5.ii **For solar array projects less than or equal to 3.0 acres, the research control area must be equal in size to the entire area of land containing the solar array, including the area between panels and rows 15% of the total project site acreage, not less than a .5 acre and maximum of 3 acres. For solar array projects greater than 3.0 acres, the required control area size is no less than 3.0 acres.**

In addition to these edits to the draft rule, we also recommend that the Board direct utilities to process interconnection applications associated with the Dual-Use Pilot. Not having visibility into the interconnection viability of a project represents a critical barrier and delay on development.

We appreciate the opportunity to provide input associated with the Dual-Use Pilot.