

VIA ELECTRONIC FILING

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

Re: Docket No. QO23090679, In the Matter of the Dual-Use Solar Energy Pilot Program.

Dear Secretary Golden:

Thank you for the opportunity to provide written comments in the above referenced proceeding, Docket No. QO23090679. We applaud the New Jersey Board of Public Utilities (the Board) for the release of the dual-use solar energy pilot program straw proposal, and we look forward to a robust stakeholder process to inform its execution.

Hyperion Systems LLC (Hyperion) develops and builds agrivoltaic community solar projects. Hyperion has been in the agrivoltaic space since it's U.S. inception, having installed the first dual-use array in the country in collaboration with UMass Amherst in 2010. Over our history, Hyperion has been the recipient of several Department of Energy agrivoltaic research grants. We appreciate the opportunity to provide input to the Board.

14:8-13.6 Project siting requirements (d)

Hyperion disagrees that research should be required to development on prime agricultural soils or soils of Statewide importance. We understand the intention of this policy as keeping agrivoltaics off the most productive farmland. However in many instances, this is a case of theory vs. practice. In theory, these soils might be deemed prime, but in practice the land could be marginal. Hyperion experienced this at one of our existing agrivoltaic projects in Massachusetts where the land is considered land of statewide importance, but the real year over year crop yields demonstrated that they weren't. In this example, the farmer wanted to install the dual-use array on this parcel because the land was marginal within his >400 acre farmland portfolio. Farmers and developers should not be over burdened by research requirements (assuming that the research institutions could even fit the work into their schedules). These projects will already have reporting requirements that will demonstrate the practical and real yields.

Further, we believe that agrivoltaics will thrive on the most productive soils. Hyperion would recommend that agrivoltaic systems be allowed to install on prime agricultural soils or soils of Statewide importance on a limited basis, ie <1MW DC, without penalty of extensive research.

14:8-13.9 Installation, construction, and operational requirements (e) 5. ii.

Hyperion believes the 3 acre minimum disproportionately effects smaller community scale agrivoltaic projects. For example, a 700kW DC agrivoltaic single axis tracker system may only use 3 acres. Under this proposed program that 700kW system would be required to have the same control plot as a 25-30 acre multi-MW array. This demand for large control area will create further project siting challenges. Hyperion recommends amending this to 50% of the project size or 0.5 acres.

14:8-13.6 Project siting requirements (e)

Hyperion commends the Boards requirement for 3 continuous year history to demonstrate agricultural and horticultural usage. This definition recognizes the inherent volatility of farming with year over year changes in crop selections - Hyperion appreciates that farmers aren't expected to crop the same crop every year. This aligns with modern farming practices.

14:8-13.7 Pilot Program solicitation process (a) 3.

Given that interconnection approval is not required in order to submit the EOI, Hyperion has concern that program applicants may submit lease agreements in their EOI that don't match what will be the real \$/acre value will be once the interconnection cost is received. For the vast majority of ground mounted solar projects, interconnection costs dictate lease payments. Developers may therefore be able to "game the system" by submitting an inflated lease payment in their EOI to present better to the reviewers.

Further, will the Board be requesting proof of annual lease payments? It seems like dual-use is being held to a different financial reporting standard than other solar installation types.

14:8-13.5 Pilot Program eligibility (c)

By establishing a minimum capacity that is too low, ie <100kW DC, small farms may end up not being able to participate in the program. A small farm may be located in an urban or suburban location, not have ample land available, and minimal behind the meter energy use. A farm in this case might produce on 10 acres or less and installing an array on <1 acre could provide significant financial benefit.

14:8-13.9 Installation, construction, and operational requirements (b) 1.

Establishing a minimum height requirement for perimeter fencing may have the unintended effect of further aesthetic impacts. Hyperion suggests a more balanced approach that recognizes the need for fencing based on agricultural use practicality and array screening.

14:8-13.10 Monitoring and research requirements (k) 4.

Hyperion is concerned that measuring the individual modules performance is too granular. We believe that while it is possible to report module level performance, it's not critical to the research and could add significant project costs. IV Curve Tracing tests and Infrared drone options are available to measure this performance, but these tests would only further add to the incentive requested by the project developers/ owners.

14:8-13.10 Monitoring and research requirements (k) 5.

Hyperion is concerned that attaching sensors to tracking modules would likely void any module warranty. At one of Hyperion's existing agrivoltaic sites, there are irradiance sensors in the row crop field, beneath the modules and in open space. This represents the variable group and control group, respectively. Hyperion suggests collecting the irradiance data in this manner as it seems that collective the data in the control plot could be sufficient to understand what light conditions are like above the solar modules. Tilting the irradiance sensor would not measure horizontal irradiance like the ones on the ground within the array.

14:8-13.10 Monitoring and research requirements (l)

Hyperion suggests a standardized survey performed by the State rather than performed by the developer or project owner. We believe the most meaningful data aggregation and comparison will result from a standardized method.

Thank you for the opportunity to submit these comments. Hyperion commends the Staff and the Board for their work in the agrivoltaic space. We recognize their mutual commitment to supporting farmers during this clean energy transition. Please reach out with any questions or concerns.

Sincerely,

Jake Marley Director jmarley@hyperionsystemsllc.com Austin Hazlehurst Senior Finance and Agrivoltaic Analyst austin@hyperionsystemsllc.com