



June 24, 2024

**VIA ELECTRONIC FILING**

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

**RE: Docket No. QO23090679 In the Matter of the Dual-Use Solar Energy Pilot Program**  
Comments on draft regulations

Dear Secretary Golden:

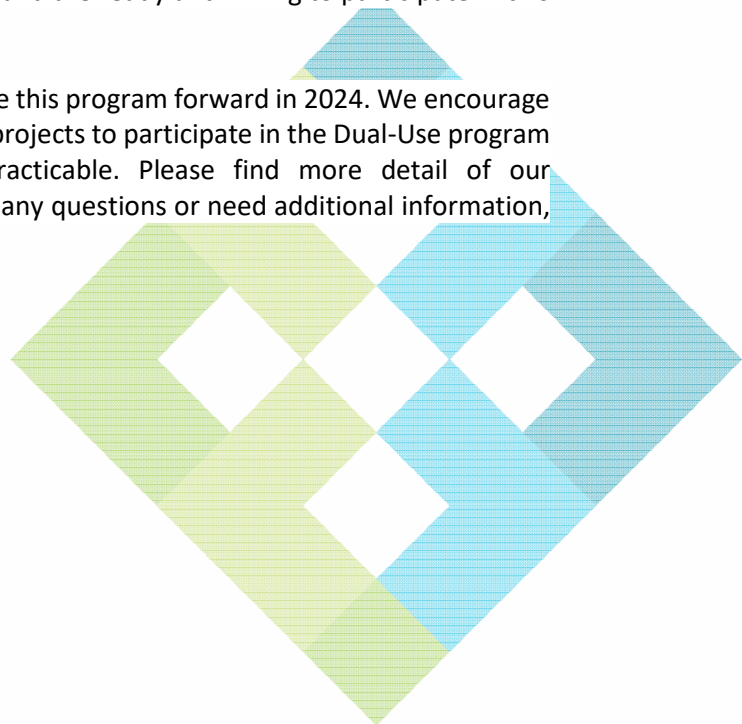
Thank you for the opportunity to provide additional written comments on the QO23090679 docket draft proposed rule. The Dual-Use Solar Energy Pilot Program, being implemented pursuant to the New Jersey Dual-Use Solar Energy Act of 2021, is an important measure to balance the advancement of clean energy implementation while protecting agricultural interests in the State of New Jersey.

Forefront Power is a DG solar developer with 1.1 gigawatts (GW) completed or in development across 1,400 unique projects. As a trusted leader in the solar, storage and asset management space, we serve nationwide community solar, public sector, private sector customers. Forefront recognizes the added regenerative and environmental benefits of including a dual use component on our project sites. We have already incorporated agrivoltaics into operational and development projects in Iowa and Illinois. We are eager to continue implementing agrivoltaics through our partnership with several New Jersey farmers, landowners and tenant farmers who farm 8-40 acre tracts and are ready and willing to participate in this program.

Forefront thanks the Board and staff for their work to move this program forward in 2024. We encourage the board to act expeditiously to enable community scale projects to participate in the Dual-Use program and to open that application process as soon as practicable. Please find more detail of our recommendations in the following comments. If you have any questions or need additional information, please contact me at [rpeichel@forefrontpower.com](mailto:rpeichel@forefrontpower.com)

Respectfully submitted,

Rebecca Peichel  
Sales Director, Forefront Power



## Comments

While we are grateful for several changes incorporated into the current draft rule reflecting stakeholder comments to the initial straw proposal, we are disappointed the potential projects we have partnered with farmers and landowners to prepare for this program do not have a path to participate in the Dual-Use pilot.

Our projects at 1-5 megawatt (MW) are not qualified for Administratively Determined Incentive (ADI) program categories due to current ADI restrictions around on-site load and siting. They are also not qualified for the grid-scale 5MW or greater Competitive Solicitation Incentive (CSI) program.

It has come to our attention that staff may intend for these smaller projects to participate in CSI. If pushed into the CSI program, smaller dual-use projects cannot reasonably be expected to compete against much larger utility scale projects not integrating dual-use. This level of uncertainty leaves many potential pilot projects in limbo.

Additionally, we also remain concerned about the size of the control area and its outsize impact on smaller projects.

Forefront Power respectfully recommends two changes to the proposed regulation:

### **Recommendation 1: Community Solar Eligibility for Dual-Use Pilot Projects**

Forefront encourages the board to explicitly allow Dual-Use pilot program projects up to 10 MW to participate in the Community Solar Energy Program (CSEP) under the Administratively Determined Incentive (ADI) program. Community Solar aligns naturally with 1-5 MW distributed generation projects, offering a reliable compensation mechanism that ensures project certainty and accelerates the path to commercial operation.

The majority of 1-5 MW projects, including those Forefront is currently developing, occupy the smaller farm parcels common in New Jersey, where 1-5 MWs span ~8-40 tillable acres, without room to expand the site beyond 5 MW. These sites lack eligibility for existing ADI incentives. With minimal on-site electrical load, these sites do not qualify for net-metering, and face restrictions on virtual net metering due to prime farmland restrictions. Clear eligibility for participation in the ADI program with defined incentive levels would mitigate uncertainties for pilot projects by reducing compensation risks, which facilitates accurate calculation of any necessary adders required for Dual-Use implementation.

Moreover, the smaller parcel sizes of these projects render them ineligible for the CSI program, which is only open to grid supply facilities with capacity greater than 5 MW. Requiring smaller Dual-Use projects to compete in CSI poses multiple challenges: first, it is unclear how or if 1-5 MW projects would qualify for CSI, and clarity would be needed on the process and compensation expectations for these projects. Second, it is not reasonable for small projects to compete against the economies of scale benefiting grid-scale projects, meaning significant additional risk would have to be accounted for in the estimation of a Dual-Use pilot adder for 1-5 MW sites. Indeed, for any size project, there will be no reliable way to calculate or estimate the adder needed to integrate Dual-Use, as the CSI program is a competitive bid which will not have occurred at the time of the project's application for the Dual-Use pilot. CSI's next

solicitation will not be held until next year, which could cause unnecessary delays in projects development and potentially add one or more years to the timeline for a site to become operational. Pushing pilot projects not naturally suited to competitive bid into the CSI program will only cause unnecessary expense, uncertainty, and delays to the pilot program.

Forefront is concerned that under the current proposed rules, eager New Jersey farmers and landowners with viable sites will be excluded from participating. These farmers and landowners see an opportunity for added farm viability through participating in Dual-Use. Despite agrivoltaics being a new concept to them and requiring adaptation to farming in and around solar, they are interested in participating as they believe it's in the best long-term interest of their farm. Our parcels under development meet all specific siting requirements of the pilot program, in addition to being in areas with available interconnection capacity. These viable projects are ready to apply for the pilot program in 2024, and the certainty of ADI incentive eligibility would accelerate these projects to commercial operation.

To address program eligibility concerns, support New Jersey farmers and landowners, and expedite pilot project development, we strongly urge the board to allow dual-use pilot projects to be eligible for CSEP up to their full allowable size of 10 MW.

## **Recommendation 2: Refine Research Control Area**

Regarding the research control area, Forefront appreciates the Board's positive movement in this area, but finds that 3 acres may still be restrictive for smaller sites. We encourage the board to implement a research control area of 15% of the total solar project area, not less than .5 acres and with a maximum of 3 acres.

We have found many New Jersey family farm parcels are 8-12 acres. 3 acres of research control represents 25-38% of the site space for these smaller parcels. When a proportionally large research control area is mandated, implementing a viable solar design in the constrained space becomes increasingly difficult, restricting the farmer and the diversity of crops they can implement on the site.