



January 31, 2025

**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: In the Matter of a Rulemaking Proceeding to Establish the Dual-Use Solar Energy Pilot Program Pursuant to P.L. 2021, c. 170, Docket No. QX24080597, Comments on PRN 2024-137 (56 N.J.R. 2271(A))**

Dear Secretary Golden:

Thank you for the opportunity to provide written comments in the above referenced proceeding, Docket No. QX24080597. Lightstar applauds the New Jersey Board of Public Utilities (the Board) for the release of the dual-use solar energy pilot program rules, and we look forward to the timely implementation of the pilot program. This is an exciting opportunity for New Jersey's farmers and simultaneously creates a new path towards meeting clean energy goals.

Lightstar develops, builds, and owns community solar projects with more than 1200 megawatts (MW) of projects completed or in development across the country. Of that 1200 MW portfolio, nearly 300 MWs are agrivoltaics projects. As part of our business model, Lightstar cares for and stewards the land before, during, and after a project is built, while maintaining long-term partnerships with landowners and farmers. We're one of the few providers that own and operate all our projects and one of the first to offer landowners the opportunity to maintain the agricultural viability of their land through agrivoltaics. New Jersey agrivoltaics sites represent a large part of our portfolio but will also serve as important sources of new information and research for the broader Mid-Atlantic region.

While we applaud the Board for opening the dual-use pilot program, we would like to reiterate our concern with the proposed control area requirements and seek clarification on several important items within the regulations.

First, and as stated in previous comments, the proposed control area unnecessarily limits and restricts farmers and presents significant threats to the viability of mature dual-use projects based on land constraints. Lightstar believes that requiring a 3-acre control area is inconsistent with current Rutgers and National Renewable Energy Lab research practices for dual-use sites. Requiring such a large control plot does not aid in scientific validity and will severely limit the number and the diversity of farmers who will be able to accommodate such a large control plot and restriction on their farming practices outside of the array. Hamstringing farmers should not be the intent of these regulations. Lightstar would also like to reiterate that the sites with

available interconnection capacity (both distributed and transmission) are smaller sites, as the majority of family farms in New Jersey are on small acreage farms.

For example, we are currently dealing with a serious concern that has arisen with one of our landowners who is hoping to participate in the dual-use pilot program. This project is Lightstar's most mature as it has completed municipal permitting and received its System Impact Study issued by JCPL. The tenant farmer is very excited about farming the arrays with a variety of vegetables, namely tomatoes. By way of background and context, the landowner of this parcel is in his 80s and is frustrated by the programmatic delays that this project has faced - at no fault of Lightstar. As a result, he is very upset with the program requirement that he "tie up" additional land to accommodate a control plot area for this project. He is concerned that the Board will continue to delay the pilot program and as he is older, he will not be able to otherwise sell, develop, or use the additional land necessary for a control plot. The current leased site area is exceedingly small. We have permitted for the use of 9.4 acres. Downsizing the project to accommodate the control plot would not demonstrate commercial viability which is a stated purpose of the pilot program. Downsizing a project to around 1 MW to accommodate for a control plot would increase EPC costs and decrease the benefit to the landowner and farmer.

We respectfully suggest that it would be more appropriate to require a minimum control plot size based on the total project site of the farmer's land in question. We propose that the rules be amended to require control plots to be 15% of the total project site acreage, but not less than a .5 acre and maximum of 3 acres. Additionally, if there is not an opportunity to site the control within the array area, then we request that adjacent properties be acceptable control plots as long as the soils are similar, the farmer is the same, the farm plan and agricultural practices are the same it is within ¼ mile of the array site. This is important, especially in New Jersey as most family farmers and especially tenant farmers only have access to a patchwork of small sites.

Lightstar is also concerned that the rule proposal requires a lease between landowner, farmer, and developer. Unfortunately, this three-party agreement goes against current industry practices. Typically, developers have a lease agreement with a landowner and a separate legal contract with a tenant farmer. We respectfully suggest that the Board accept separate but binding agreements to fulfill this requirement.

Finally, Lightstar seeks clarification from the Board regarding the following:

1. What are the expectations of Rutgers' participation in research? When will we know more about how Rutgers will conduct research and work with farmers? Farmers have expressed concern over the lack of clarity around their responsibilities associated with research.
2. Do we need to contract with Rutgers during the EOI process, application process or after a program award is given?
3. Can the BPU confirm that fences and/or control areas are allowed to be located in the buffer and/or setback areas of a parcel? And, can the control plot be on an adjacent or abutting parcel and be preserved farmland? There would be no solar generation on the control plot area.

Thank you for the opportunity to provide these comments in relation to Docket No. QX24080597. Lightstar strongly urges the Board to act expeditiously to incorporate stakeholder

comments and to move forward with a 2025 dual-use pilot program application process. If you have any questions or need additional information, please contact us.

Sincerely,

Lucy Bullock-Sieger  
Vice President of Strategy, Lightstar

Kelly Buchanan  
Policy & Strategy Manger, Lightstar