



January 31, 2025

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: 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 on the Docket No. QX24080597 proceeding. ForeFront Power is a DG solar developer serving both nationwide public and private sector customers, as well as developer of several successful portfolios across nationwide Community Solar markets. ForeFront recognizes the important regenerative, environmental and community benefits of including agrivoltaics on our project sites. We have incorporated agrivoltaics into projects in Iowa and Illinois, and are working with several New Jersey farmers, landowners and tenant farmers who are eager to participate in this program and experience the benefits agrivoltaics can bring to their farm operations.

We appreciate the Board and staff's diligence developing the Dual-Use Pilot Program. We believe the program is set up for success in many ways, and encourage the board to consider the following as helpful clarifications to the success of the program:

Remote Net Metering

The Board Order with staff's recommendation on 12/18/2024 to align Remote Net Metering (RNM) siting on suitable private property with the land use protections under the Dual Use Act is an exciting development for the Dual Use program. It is understood that the rules for neither program are finalized, as well that the application process for RNM is not set. We also understand a project wishing to apply to the RNM program is subject to the requirements of the Dual Use Program.

We encourage staff to allow that proposed Dual Use projects may submit an Expression of Interest (EOI) demonstrating the intent to serve a Remote Net Metering Customer, with the understanding it is not reasonable that the Remote Net Metering customers will be identified by the submittal of the first EOI given the recency of these new developments. Developers should have the opportunity to submit their EOI and subsequently acquire the relevant offtake necessary to receive their Administratively Determined Program (ADI) approvals through that process once it is set. If this matter is not clarified prior to the submittal of an EOI, it would be helpful for developers to have clarity on whether the EOI is binding to a particular program block, ADI or CSI, and if a project would be allowed to switch to RNM later if and/or when the Board rules specifically on the matter.



Further, as we have supported in the past, we would continue to encourage the board to leave open further consideration for the opportunity for future allowance for Dual-Use Pilot Program and Permanent Program projects to be CSEP-eligible. While already poised to benefit farmers and farmland in the state of New Jersey, these projects have the potential to provide meaningful benefit to the greater community. Given most sites are on relatively small acreages, and do not have meaningful load on site to participate in net-metering, projects have limited options for offtake outside a risky and marginal wholesale compensation model. Projects will be more dependent on the adder to pencil, and add less value to their communities in this scenario.

We understand it is a priority of the administration to protect overburdened and underserved communities, in addition to goal of the New Jersey Energy Master Plan to prioritize access for communities historically left out of the clean energy transition. We feel the layered effect of meeting state goals across multiple categories in protecting farmland as well as enabling access to residents not otherwise able to take advantage of clean energy is an efficient use of ratepayer funds. As capacity market costs increase, increasing affordability to the low to moderate income residents of the state is of paramount importance.

Minor Clarifications

We would encourage the Board to make additional clarifications around the types of contracts acceptable to the EOI and that will satisfy program requirements. A clarification that an option to lease is acceptable for purposes of the EOI. Farmers typically would contract directly with the landowner and may in the past only had a verbal agreement, and would under best practices now contract directly with the developer. It is important to clarify, and we would recommend, that separate contracts between the developer and these two entities will be acceptable.

It would be helpful to further clarify both Rutgers participation in the research, as well as the research length of each Selected Project. The board has clarified that *Management and collection of the data listed in (A) through (M) [pursuant to the Appendix,] for the first three (3) years of a Selected Project by the Board or its designee, will be at no cost to the participant.* In response to information session questions, it is suggested that a longer period of necessary data collection could be required. For proposed projects to appropriately anticipate costs, it is important to know if the research period will be limited to three years once a selected project is operational.

Finally, additional clarifications that it would be acceptable to locate the control area on an adjacent parcel of land, as long as it meets all criteria including being farmed in the same manor and method as the area under the panels, and that it might be separately fenced, would be our respectful recommendation.

ForeFront appreciates the opportunity to participate in this important process and thanks the Board and staff for their work in implementing a program that will have important benefits to both farmland and the clean energy transition. If you have any questions or need additional information, please contact me at rpeichel@forefrontpower.com

Respectfully submitted,



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