

BLUEWAVE

January 31, 2025

Via Electronic Filing

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: BPU Docket No. QX24080597
Dual-Use Solar Energy Pilot Program
Proposed Amendments: N.J.A.C. 14:8-1.2 and 11.4
Proposed New Rules: N.J.A.C. 14:8-13

Dear Secretary Golden:

BlueWave appreciates the opportunity to comment on the Dual-Use Solar Energy Pilot Program (Pilot) rule proposal, published by the Board of Public Utilities (Board) on December 2, 2024 in the New Jersey Register. These rules are an important step towards a successful Pilot that will advance New Jersey's clean energy goals, empower and protect its farming community, and preserve our working lands for generations to come. We thank the Board and the New Jersey Department of Agriculture (NJDA) for their hard work on these rules and all the State's clean energy programs.

BlueWave's mission is to protect our planet by transforming access to renewable energy. As a pioneering renewable energy company that develops and owns solar and battery storage projects, BlueWave is developing several gigawatts of solar and battery storage projects throughout the United States to implement a new standard of development that centers sustainability, conservation, and agriculture. We are also proud to be a certified B Corp, recognized by B Labs as "Best in the World" in Governance.

BlueWave commends the Board for responding to stakeholders' concerns about the viability of non-net metered projects in the original proposal. Specifically, the provisions that allow non-net metered projects to utilize the "proxy" baseline incentive plus dual-use adder and not need to compete twice (i.e., in the Dual-Use Pilot as well as the CSI program) provide a level of clarity and certainty needed for developers to prepare Pilot program applications. Nevertheless, BlueWave maintains our position that inclusion in the Community Solar Energy Program (CSEP) should be an option for Dual-Use Pilot projects under five megawatts (direct-current). By allowing Pilot projects to serve community solar subscribers, and thus distribute the benefits of clean energy and electric bill savings to low- and moderate-income residents, the Board can foster the synergistic qualities of dual-use and community solar. We look forward to continuing to engage the Board on how this could be implemented without competing with other community solar projects for capacity allocation or CSEP incentives.

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We continue to advocate that improvements to the research control area can be made. In alignment with other stakeholders, we provide a recommendation to more precisely fine-tune the requirement based on project size. To accommodate smaller parcels and farming operations, increasing the diversity of projects within the Pilot, we suggest that the three acre cap on control area be maintained, but a minimum of one-half acre be added. A general rule of 15 percent control area per project should be implemented within these minimum and maximum requirements, aligning with current research standards discussed by Rutgers' Agrivoltaic Program, the American Farmland Trust, and other experts. Additionally, we suggest that the control area should be explicitly allowed to be sited on a separate, nearby parcel as long as it meets the rule proposal's definition of "Research control area" at 14:8-13.2 and requirements at 14:8-13.9(e)(5). Further, we request confirmation that the control area and any required fencing be allowed to be located in the buffer and/or setback areas of the parcel on which the Pilot project is situated.

Another major factor for clarification from the Board regards the monitoring and research requirements required in the Pilot. Specifically, how long are the research requirements at 14:8-13.10(b) through (n) and research control area requirements at 14:8-13.9(e)(5) in place? Are these requirements in place for three years, as suggested by 14:8-13.10(a)(1)? Or, are they in place for the lifetime of the project as suggested directly preceding at 14:8-13.10(a)? To that end, should "life of the project" be read as the 15-year SREC-II incentive term at 14:8-13.10(a) and throughout the rule proposal? For how long must the research control area be leased and in compliance with these proposed rules? We ask for explicit clarity on these aspects of the rule proposal as it will greatly impact pilot project submissions.

Regarding 14:8-13.7(a)(3), we have two recommendations for the Board's consideration. First, a Pilot applicant should be able to demonstrate any form of site control. This could include a lease, lease option, or other agreement. It is unlikely that most developers, farmers, and/or landowners would be comfortable signing a long-term (longer than one year) agreement without surety of an incentive qualification. Second, a Pilot applicant should be able to demonstrate any form of legal agreement with the tenant farmer that is not the landowner, separate from the lease with the landowner. It is industry-standard practice to utilize separate legally-binding agreements with the landowner and tenant farmer.

Finally, the Board should allow portions of the application materials and a project's COMPR to be redacted or deemed confidential before being publicly posted according to the Board's current practices. Stakeholders want to ensure that no individual or company financial or proprietary information is jeopardized through participation in the Pilot.

BlueWave expresses its gratitude to the Board, NJDA, and Rutgers for their efforts in developing these proposed rules. We are dedicated to continuing our collaboration with the many stakeholders involved in the Pilot to ensure its successful launch. We hope the Board will carefully consider the recommendations in these comments with this shared goal in mind. Dual-use projects offer a mutually beneficial opportunity for New Jersey's farming community, residents, small businesses, public entities, and all those working toward the State's clean energy objectives. Please feel free to contact us with any questions or concerns.

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Sincerely,

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Policy Manager
BlueWave