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December 21, 2018

Aida Camacho-Welch
Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket Number: QO18060646
44 S. Clinton Ave., 3rd Floor, Suite 314
PO Box 350
Trenton, NJ 08625-0350

RE: Comments on BPU Docket Number: QO18060646 (Comments on Application Process)

Dear Secretary:

Independence Solar is based in Cherry Hill, New Jersey and has been an advisor, developer, installer and operator of commercial and industrial solar energy projects since 2007. We respectfully submit our comments below on the **application process** for the NJ Community Solar Energy Pilot Program. These comments reinforce comments made in person at the Stakeholder Meeting #1 in Camden, NJ on Dec 6, 2018.

We comment on several topics related to the application process summarized below:

1. Preference for Rooftop Projects
2. Rooftop Projects: No NJDEP Review
3. Preference for Distributed Generation
4. EDC Interconnection Application
5. Other Benefits
6. Site Benefits
7. Community and Environmental Justice Engagement
8. Subscriber Organization

1. Preference for Rooftop Projects

The application should provide higher weighting for projects sited on rooftops. Rooftop projects do not require site improvements. They do not disrupt any land, roads or infrastructure during construction. They deliver electricity directly into congested distribution networks and likely incur minimal network upgrades to interconnect. These attributes of rooftop projects align with the goals of the NJBPU and should be prioritized over projects that consume NJ land.

2. Rooftop Projects: No NJDEP Review



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Projects sited on rooftops should not be subject to the NJDEP PCER review as set forth in Section VII Q1. & 2. Typically, rooftop solar projects would not be reviewed by the NJDEP. Rooftop projects do not have any impact on NJ land, water or soils. Rooftop projects must still secure local municipal zoning approval and construction permits, however they need not be subject to NJDEP review. We cannot think of any meaningful NJDEP review or screening that could be relevant to rooftop solar projects.

3. Preference For Projects Interconnected Within EDC Distribution Network

We believe the Community Solar Program should grant preference to projects that are located within the EDC distribution networks on the Evaluation Criteria scorecard. Such projects should receive a higher rating than projects interconnected at the PJM transmission network. The state should be encouraging distributed generation to be located directly within distribution areas suffering from congestion. In addition to the type of siting (landfill, brownfield, farmland), the application should also take into account if the generation unit connects directly to the distribution grid. The BPU has an interest in supporting the stability of the grid via distributed generation. Although re-use of landfills and brownfields may be a consideration for the DEP, such projects, if sited on rural transmission lines do not further this mission of the BPU.

4. EDC Interconnection Application

Projects that are located within the EDC distribution network should be permitted to apply for interconnection through the existing EDC interconnection application process. If submitted to PJM directly, these applications would immediately be transferred to the EDC for review anyway. The EDC interconnection application process is already well-understood by both the EDC and the solar development community. For clarification, the EDC can add a checkbox to identify the application as a Community Solar project. There is precedence. The Community Solar program in MD conducts interconnection applications directly via the EDC. If projects elect to pursue interconnection via the EDC, then such projects would not be able to capture ancillary benefits (like capacity) that require application via the RTO (PJM).

5. Other Benefits

The Other Benefits section of the Evaluation Criteria scorecard should not be included in the scorecard. Although these add-ons (storage, micro-grids, energy efficiency measures) might enhance a project, they are not core to the intent of the Community Solar Program. These add-ons may increase the cost of projects and reduce the economic benefits to LMI households. In addition, it may not be feasible to bolt-on any of these other benefits to a project site. This should not penalize a project. Further, it may be possible to game the system by undertaking token measures that do not contribute significant benefits to LMI subscribers or NJ ratepayers. These Other Benefits can and should be expressed in the application,



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but this should be captured in the form of a narrative support and not a key component of the project scoring. At a minimum, their proposed weight of 10 points should be reduced.

6. Site Benefits

The Site Benefits bonus in Section VII Q23 and on the Evaluation Scorecard for Siting are not available for rooftop projects. The examples given of “Bonus points for landscaping, land enhancement, pollination support, storm water management, decommissioning plan” cannot be earned by rooftop-sited projects. This unfairly penalizes rooftop projects. The fact that rooftop projects would not require such site upgrades should be considered an advantage and not a relative disadvantage. Although much of the Community Solar program may consist of ground-mounted projects, the application should not bias or favor ground-mounted locations. To level the playing field, the question can be posed as a narrative response in Section VII Q23, but should not create bonus points on the Evaluation scorecard.

7. Community and Environmental Justice Engagement

By definition, the Community Solar program should direct benefits towards NJ’s LMI communities – both as a subscriber base, but also as a location for project sites. We believe that more weight should be allocated on the Evaluation Criteria Scorecard for the Community and Environmental Justice Engagement scorecard. This allocation could be raised from 10 points to 15-20 points. In addition, the evaluation criteria should give preference to projects sited within or near LMI communities. LMI communities should benefit not only from subscriptions, but also from highly-visible projects in their neighborhoods. Locally sited projects would create ongoing jobs, indirect economic benefits and project a sustainability message within in the community. Projects in rural locations far from LMI communities may still offer savings benefits to LMI subscribers, but would not have the same impact as projects sited within the community and with the full support of the community.

8. Subscriber Organization

In Section C, there is a Certification for Subscriber Organization. The BPU should clarify if this would be a requirement for the first year of the Pilot program. A project may be well developed, but has not yet selected their subscriber organization. In addition, there are not many Subscriber Organizations yet certified in NJ.

We respectfully submit these comments with the best interests for the success of the Community Pilot Program in mind.

Best,

Keith Peltzman
President



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Re:BPU Docket No. QO18060646

**New Jersey Community Solar Energy Pilot Program:
Draft Community Solar Energy Pilot Program Application Form**

December 21, 2018

Dear Secretary Camacho-Welch:

The New Jersey Highlands Coalition is a non-profit 501(c)3 coalition of nearly 100 member organizations and businesses which seeks to protect, enhance and restore the water, forests, farmland and other natural, historic, scenic and recreational resources of the New Jersey Highlands Region. These goals were embodied in the 2004 New Jersey Highlands Water Protection and Planning Act, the NJDEP Highlands Rules for the Highlands Preservation Area, and the 2008 Highlands Regional Master Plan (RMP). The Highlands Region is nationally significant, as recognized in the 2004 federal Highlands Conservation Act, which provides funding for land preservation in a four-state Highlands Region that includes New York, Connecticut and Pennsylvania.

The New Jersey Highlands Coalition supports the development of appropriately-sited community solar to advance clean energy, as well as greater access to solar energy for residents and communities that have generally lacked access to solar energy. We support NJ DEP's updated solar siting guidelines that identified rooftops, brownfields, landfills and areas with existing impervious coverage that are generally urban, commercial or residential areas, as the preferred locations for community solar projects. We believe that additional sites appropriate for solar development beyond these locations may be identified with careful analysis and guidelines.

The Community Solar Draft Application does not provide sufficient protection for

lands that New Jersey has placed a premium on preserving through acquisition or conservation easements or protecting through regional planning: our remaining open spaces, especially forests, which sequester carbon and provide clean water, scenic beauty, wildlife habitat and outdoor recreation, as well as certain farmlands.

Specific recommendations regarding the Draft Pilot Program Application Form:

Re: Section A. I. – Minimum Qualification Requirements: Item 3 states that “The Board will not consider Applications for projects sited on preserved farmland, as defined in N.J.A.C. 14:8-9.2.” *In addition to this requirement, similarly, the Board should “not consider Applications for projects on State, county, municipal or nonprofit Green Acres lands, as defined in N.J.A.C. 14:8-9.2 or on land owned by the DEP” except for projects entirely located on parking lots or structures on the site.*

Re: Section A.III – Special Considerations for Project Siting: Section A.III requires a “meeting with the NJ DEP’s Office of Permit Coordination and Environmental Review to determine what permits may be required and to identify other potential issues.” *For a project proposed to be located anywhere within the New Jersey Highlands Region, whether in the Planning Area or the Preservation Area, it is essential that the applicant be required to meet with the New Jersey Highlands Water Protection and Planning Council, to ensure that the proposed project is consistent with the Goals, Policies and Objectives of the Highlands Regional Master Plan.* For a project proposed within the Pinelands, a similar meeting with the Pinelands Commission should be required. The Highlands Council utilizes a comprehensive checklist to determine consistency with all goals, policies and objectives of the RMP. *A Determination of Consistency from the Council should be required prior to submitting an Application to the BPU.*

Re: Appendix B: Evaluation Criteria (pg. 22): We support the NJDEP’s 2017 updated solar siting guidelines that identified rooftops, brownfields, landfills and areas with existing impervious coverage that are generally urban, commercial or residential areas, as the preferred locations for solar development. We urge the BPU to include strong incentives and other policies within the solar application criteria in order to encourage solar in these locations.

In addition to ranking sites, it is necessary to prohibit certain locations outright. Given New Jersey’s ranking as the most densely populated state in the nation, future solar developments of all forms must be to subject to clear siting guidelines, including criteria and prohibitions that guide solar development to preferred locations and avoid unnecessary conflicts with the State’s longstanding and ongoing land preservation and natural resource protection efforts.

We support the prohibition of solar development on preserved farmland, which is already proposed for this this pilot program. The list of prohibited lands should also include Green Acres

lands—funded by New Jersey taxpayers—that have been set aside to protect natural, scenic and recreational resources. Solar could be allowed, based on design and careful review, on legally permitted structures and parking lots on Green Acres lands.

The Evaluation Point System: The siting of community solar and solar in general is of extreme importance to the health of our State, so the application should provide more weight for appropriate siting, totaling at least 40 potential points out of the proposed 100 points total.

In the Highlands Region: Because of the Highlands Region’s federal and State-recognized resource values and the regional planning initiative established by the Highlands Act and administered by the Highlands Council to guide appropriate development for the region, we propose the following requirements for the appropriate siting and location of Community Solar Pilot Program Projects in the Highlands Region, based on the Highlands Act, the DEP Highlands Rules, and the Highlands Regional Master Plan.

1. In the Highlands Preservation Area, community solar projects must be restricted to Redevelopment Areas approved by the NJDEP and the Highlands Council, as per the DEP Highlands Rules at N.J.A.C. 7:38.

2. In the Highlands Planning Area, proposed community solar projects may be considered and evaluated in the *Existing Community Zone and the Conservation Zone*. Community solar projects should be prohibited in the following areas delineated by the Highlands Regional Master Plan (except for installations on *existing* impervious surfaces):

- A. *The Protection Zone;*
- B. *The Environmentally Constrained Existing Community Zone;*
- C. *The Environmentally Constrained Conservation Zone;*
- D. *The Lake Management Zone;*
- E. *The Conservation Priority Area;*
- F. *The Agricultural Resource Area;*
- G. *The Highlands’ Special Environmental Zone;*
- H. *Land under the jurisdiction of the Natural Lands Trust;*
- I. *Lands designated by the Highlands Council as Scenic Resources;*
- J. *Designated Historic structures, historic features, and Historic Districts (solar installations must not adversely impact the historical integrity of the resource, or the visitor experience.*

3. Guidance Documents: We recommend that the Board issue additional guidance that more fully describes appropriate siting. The siting restrictions described above should be incorporated into all guidance manuals and documents issued by the Board.

Thank you for the opportunity to comment on this important program.

Sincerely,

Elliott Ruga, Policy and Communications Director
New Jersey Highlands Coalition

Signatories:

CAPP (Coalition Against the Pilgrim Pipeline), Ken Dolsky, Director

Citizens for Sustainable Planning, Tom Koven, Director

Eco Action Initiatives of Warren County, Laura Oltman, Director

Friends of Sparta Mountain, Katherine Evans, Director

Morris County Trust for Historic Preservation, Marion Harris, Chairman

Musconetcong Watershed Association, Alan Hunt, Executive Director

New Jersey Conservation Foundation, Michele Byers, Executive Director

New Jersey Forest Watch, Silvia Solaun, Director

Passaic River Coalition, Laurie Howard, Executive Director

Trout Unlimited, East Jersey Chapter, Richard Malizia, Conservation Chair

Union Forge Heritage Association, William Honachefsky Jr., Director



December 21, 2018

COMMUNITY SOLAR ENERGY PILOT PROGRAM
Draft Community Solar Energy Pilot Program Application Form
BPU Docket Number: QO18060646

Comments of Arcadia Power

Thank you for the opportunity to comment on the draft Community Solar Energy Pilot Program Application Form.

Introduction

Arcadia Power is the first nationwide digital energy services company. Our job is to connect residential utility customers with clean energy while helping them save money. Depending on the local market structure, we provide a number of services to our customers, including renewable energy credit purchasing, retail supply brokerage, zero-downpayment energy efficient products, and community solar. We currently have more than 200,000 customers, spread across all 50 states. More than 5,200 of those customers are in New Jersey.

Arcadia Power has specific experience in community solar programs. We currently are serving as a residential subscription service provider for more than 100 MW of projects in 3 states, representing thousands of residential subscribers. Our success is built on making the twin processes of choosing solar and saving money convenient and low risk for customers. We do this with customer-friendly terms, such as having no fees if someone wants to exit a project. We're pleased to share our experience with you.

New Jersey's new Community Solar Energy Pilot Program is an exciting opportunity for us to provide more value to our customers in New Jersey. We believe that many residential customers will see financial and environmental benefits from joining community solar projects.

Our comments are focused on the Evaluation Criteria, found in Appendix B of the Draft Application Form. We believe that the remainder of these documents will not stand in the way of a vibrant community solar market in New Jersey.

The Evaluation Criteria should select the best mix of projects that lead to real customer benefits

Conceptually, the purpose of the Evaluation Criteria is to select projects that will lead to maximum customer benefits. We have two overarching comments about how the draft Criteria could be improved to meet this purpose.

First, the Evaluation Criteria should lead to the selection of projects that will actually be built and generate electricity. Numerous proposed criteria (some of which we describe below) reward projects that are logistically and financially difficult to complete. We are concerned that an "ideal" project according to the Criteria may be impossible to complete. The impact of selecting



projects that are not completed is that projects that are more likely to deliver benefits won't be selected, and customer benefits will be unrealized. Our comments below point to specific places where we recommend that extremely challenging criteria be de-emphasized.

Second, the BPU is tasked with selecting projects from potentially dozens or even hundreds of applications. The draft Criteria will help in the selection process, but we believe that adding more specificity to the Criteria will make them more useful. For example, it's not clear exactly how many points a project with more than 50% of the production assigned to residential subscribers would receive in the "Subscribers and Environmental Justice" section. Our comments below include recommendations for making the Criteria more specific.

The Evaluation Criteria should be amended to lead to the selection of projects that will deliver more customer benefits

In this section of our comments, we will offer specific feedback on certain categories of the Criteria. All of our recommendations are designed to lead to the selection of projects that will deliver the greatest possible customer benefits.

Subscribers and Environmental Justice

Prioritizing projects that assign at least 50% of the production to residential consumers is the right policy move for New Jersey. This ensures that this customer segment will be served, as demonstrated by the experience of other states. For example, the SREC II program in Massachusetts provided substantial economic benefit to projects with at least 50% residential (or less than 25 kW subscription) and, as a result, thousands of subscribers in Massachusetts are receiving the benefits of community solar. Similarly, in New York, at least 60% of project capacity must be subscribed by residential customers (or less than 25 kW subscription) and as a result, all community solar projects that we are aware of in New York have developed strategies to appeal to the mass market. By contrast, Minnesota and Colorado do not have a residential target and their community solar markets are dominated by commercial and industrial customers.¹

We recommend that at least half of the available points in this section be allocated to the residential target. If the BPU changes the total points in this section, the points awarded for the residential target should be at least half of the total points and a minimum of 10 points.

As described above, some criteria reward desirable outcomes, but have a side effect of increasing project complexity. Low- and moderate-income customers and environmentally disadvantaged communities are two such criteria. We recommend that these be given less weighting than the residential target.

¹ For example, in Minnesota less than 10% of total subscribed capacity is for residential customers. See this document for more information:
<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showPoup&documentId=%7B70F01C67-0000-C718-8E62-06CF88B02617%7D&documentTitle=201811-147840-01>



Product Offering

Projects that deliver high savings rates with flexible terms are highly desirable, and giving them preference in the Criteria is appropriate. In practice, though, the two outcomes are frequently tradeoffs. That is, it's easier to deliver high savings rates with less flexible terms, and vice versa. We recommend that the BPU evaluate savings rates and flexibility separately, and award a separate amount of points (say, 10 out of 20) for each item.

We also recommend that the BPU define “flexible terms” or, at a minimum, add specific examples of what “flexible terms” means. This definition should include contracts that allow customers to exit their contracts without incurring any fees, regardless of whether the customer or developer has identified a specific replacement subscriber. Another type of flexibility is to offer short-term contracts, but we believe that long-term contracts with no exit fees are of equal or better value for customers. The Criteria should give a preference for contracts with no exit fees.

Cost in \$/kw installed

This is a misguided inclusion in the Criteria, because it will lead to the selection of projects based on a metric that is entirely disconnected from customer benefits. We recommend removing this criterion. If it is not removed, we recommend making it worth no more than 5 points.

There is not a direct connection between project cost and customer benefits. For example, the BPU should not reward a low-cost project if the developer doesn't share any of the benefits with customers. This is especially true if the developer achieves a lower cost by cutting corners on construction, which serves to increase risk to customers in later years.

We encourage the BPU to trust that market forces will bring down project costs, and to remove this unnecessary and potentially harmful criterion.

Geographic Limit

The geographic distance between customers and a community solar project is an arbitrary criterion that will likely serve to increase project costs without delivering commensurate benefits. We recommend that this be removed from the Criteria.

There is no engineering-based justification for this criterion. In fact, other states are moving in the opposite direction. New York, for example, has decided that community solar eligibility and compensation should be expanded from more restrictive load zone boundaries to an entire statewide utility service territory, recognizing that this aligns with the physical and economic reality of the grid. Similarly, Massachusetts has removed all intra-utility geographic restrictions for community solar in its new SMART program after experience with community solar under its SREC-II program in which the most populated areas of the state were unable to access community solar due to lack of cost-effective siting options.



The costs of ignoring these grid realities are meaningful. A primary driver of community solar is to allow people for whom solar would otherwise be cost-prohibitive to share in the benefits of this technology. While policymakers have typically thought of community solar as an alternative to rooftop solar, the logic is the exact same for communities that may live in places where community solar is unreasonably expensive for some reason and whose community members would like to support a remote project. By reducing access to remote projects, this criterion would limit the benefits of solar that could flow to customers in high-cost areas.

Market forces will dictate where projects are sited. If customers value geographic proximity, they will pay for it. The BPU does not need to intervene in this market decision. This unnecessary and arbitrary criterion would reduce customer benefits and should be removed from the Criteria.

Conclusion

The Community Solar Energy Pilot Program is an exciting opportunity for New Jersey. We applaud the BPU for a thorough and thoughtful application process.

The BPU has a big task in front of it when it begins to select projects. Selecting the best projects is potentially the most important step in making the Pilot Program successful. The draft Evaluation Criteria will make the BPU's job much easier, but they can be improved. The recommendations in these comments will help ensure that the BPU selects projects that deliver the most benefits to customers.

We appreciate the opportunity to provide these comments. We are always available to talk about our comments and answer any questions you may have. Please don't hesitate to contact Richard Caperton at richard.caperton@arcadiapower.com or 202 210 0063.

Sincerely,

/s/ Richard W. Caperton

Richard W. Caperton
Senior Director, Regulatory Affairs and Market Development
Arcadia Power

Via electronic submission to communitysolar@njcleanenergy.com

TO:

Aida Camacho-Welch
Secretary
New Jersey Board of Public Utilities
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FROM:

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Coalition for Community Solar Access (CCSA)
Ph: 978-869-6845
Email: brandon@communitysolaraccess.org

December 21st, 2018

RE: Comments on Draft Community Solar Pilot Program Forms in Docket No. Q018060646

Dear Secretary Camacho-Welch,

Enclosed please find the comments of the Coalition for Community Solar Access (CCSA) on the draft forms released on November 28th, 2018 as part of the Board's notice for stakeholder comment and meetings. CCSA provides comment on all three forms released by the Board, specifically: 1) the "Draft Community Solar Energy Pilot Program Application Form", 2) the "Draft Community Solar Subscriber Organization Registration Form, and 3) the "Draft Community Solar Subscriber Disclosure Form". In addition to commenting on these forms, in the enclosed comments we have incorporated responses to the questions the Board released to stakeholders on December 4th, 2018 for discussion during the stakeholder meetings.

/s/ Brandon Smithwood

Brandon Smithwood
Policy Director
Coalition for Community Solar Access (CCSA)

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I. Introduction

The Coalition for Community Solar Access appreciates the opportunity to comment on the draft forms released by the Board on November 28th, 2018 as well as respond to the questions sent to stakeholders on December 4th, 2018.

CCSA is a national Coalition of businesses and non-profits working to expand customer choice and access to solar for all American households and businesses through community solar. Our mission is to empower every American energy consumer with the option to choose local, clean, and affordable community solar. We work with customers, utilities, local stakeholders, and policymakers to develop and implement policies and best practices that ensure community solar programs provide a win, win, win for all, starting with the customer.

In our comments we provide detailed feedback as well as specific revisions on each of the three documents released for comment. CCSA has strongly discouraged the Board from pursuing a competitive ranking process with subjective criteria and has advised that a first-come, first-served approach be used as it has been in successful community solar markets. We note that a first come first serve process is very much compatible with the concept of a “competitive application” approach – developers compete on skill and time to submit applications demonstrating high project maturity requirements in order to earn a slot in the program. Such a competitive first come first serve approach has proven the gold standard in all major community solar markets, including Massachusetts, New York, and Minnesota. However, in response to BPU’s competitive ranking process application presented to stakeholders, CCSA is asking that the application criteria be as objective as possible. Applicants need to know that the selection will happen in a transparent and objective manner and that there will be no question as to why one project was selected over another.

The comments provided here include comprehensive revisions to the proposed evaluation criteria and evaluation rubric to ensure that there is no ambiguity in what the requirements of the application are, how projects will be rated, and what data will be collected by the Board through the application process. The goal of this effort is to ensure that projects can clearly determine whether or not they have met certain criteria and that there is specific documentation that must be provided to demonstrate the criteria is being met. To that end we’ve proposed reporting that can be done to demonstrate that projects follow through with actions they promise in their applications, such as building their project to certain standards or subscribing certain customers.

II. Overarching Comments on the Application Forms and Process

CCSA reiterates its concerns with using a ranking process and suggests other tools are better for achieving desired project diversity during the pilot program

We presume that the goal of this competitive ranking application process is to achieve a diverse set of projects in the pilot program. However, many project types require incentives not available to this program in order to overcome the additional cost of those projects. We believe that an interim SREC program, beyond the 5.1% program currently in place, is the right means of supporting some of the project types that receive additional points in the proposed rating criteria.

Project maturity requirements must be met as a prerequisite for participating in the program and not as a criterion against which projects are evaluated

In questions sent to stakeholders on December 4th, 2018, the Board asked stakeholders: “Should all permits be required to be obtained prior to submitting an application to the Board? Should the interconnection approval be obtained prior to submitting an application to the Board?” CCSA appreciates the question and strongly believes that maturity requirements need to be in place. Particularly if a competitive ranking application process is maintained, measures need to be in place to minimize speculative project applications which may “look good on paper” related to criteria in the applications rating system but which are unlikely to be viable or to follow through on the commitments made in the application.

Maturity requirements should be pre-requisites for participation in the program rather than criteria by which projects are rated. Indeed, the rating criteria in Appendix B grants a maximum of 5 points out of 100 for projects having reached very preliminary milestones in the project development cycle. This invites the possibility of a project scoring very highly without demonstrating its likelihood of success in being built and interconnected.

Developers are only now gaining insight into what projects might likely be competitive under BPU’s rating criteria and there are ongoing challenges getting interconnection studies done for this program, developers will not have permits in hand nor interconnection agreements executed in the early part of 2019. It is unreasonable to expect developers will make the substantial investment to obtain permits – which can easily cost over \$100,000, take approximately 8-16 months to receive, and involve several layers of local, regional, and state authorities – without a high degree of confidence that they will be awarded capacity in the program. Unfortunately, that confidence is not available under a competitive ranking application framework, so lower maturity requirements are the only viable approach under such a framework.

In light of the current status of the program, we recommend that the maturity requirements outlined below apply for the first year of the program; these requirements are consistent with the recommendations CCSA made on the draft regulations. Specifically, upon application to the program a developer should supply, at a minimum:

- 1) proof of site control;
- 2) an interconnection study;
- 3) proof that the project has begun the application process for relevant permits; and
- 4) a refundable deposit of \$60/kW placed with BPU or demonstration that such funds have been placed in escrow. Such a deposit approach was taken for the Subsection Q program.

We note that the existence of a bid deposit, while useful in the context of a competitive application process to increase the likelihood of viable projects being awarded, could actually be counterproductive to the stated goals of the administration in seeking to enable significant diversity among project types and developer types. So while we support the bid deposit in this case as the best approach within a non-ideal competitive framework, we reiterate that the better approach to this program would be a first come first serve queue, higher project maturity requirements, and coordination with an interim SREC program to incentivize the desired types of projects.

The application form needs to be revised to make questions unambiguous and separate questions related to demonstrating compliance from rating criteria and questions related to data collection

The draft application form has a long set of questions for applicants, many in the form of a checklist (Does the project have X characteristic: “yes”, “no”). However, within this checklist there are a number of different types of questions raised. Some questions are for demonstrating compliance with the program regulations. Other questions relate to criteria against which projects will be ranked. Yet other questions are intended to collect data, presumably for pilot program evaluation. There should be clear distinctions between questions in the Application Form intended to 1) demonstrate compliance with regulations, 2) provide a basis for rating the project, and 3) collect data.

Our proposed revisions of the Application Form seek to organize questions according to the three purposes identified above: 1) demonstration of compliance, 2) rating criteria, and 3) data collection.

In order to make the connection between the project characteristics reported by the applicant and the rating criteria of the program, we have consolidated many of the questions in the application form related to rating criteria into a revised Evaluation Rubric which would replace the form proposed in Appendix B. In reviewing our strikethroughs and underlines of the draft Application Form please note that most of these questions have been transferred into the proposed Rubric.

In all cases CCSA has sought to ensure that the revised criteria are unambiguous. There are certain items in draft application form, such as describing how a project will “provide grid benefits” which are vague in their standards and therefore subjective in their evaluation. At the same time, letters of support and other subjective criteria run the risk of raising questions of whether applications were treated fairly, particularly in the likely instance where projects are generally similar, but one project is selected over another. Ambiguity about the rating criteria could raise questions over whether a support

letter or some other non-objective criteria led to the selection of one project over another similar project and whether that is fair or appropriate.

The criteria in the draft evaluation rubric (Appendix B) unfairly disadvantages developments on non-preserved farmland

The revenue from community solar projects is an important economic tool for farmers to be able to keep agricultural land in production. When designed within certain parameters, community solar projects can also maintain or enhance native habitat and support the biodiversity of the surrounding area. Farming is an inherently challenging occupation with extreme variability and financial risk and maintaining economic viability is essential to keeping New Jersey's farmland in active production. Lease payments from community solar projects provide farmers with a steady, predictable revenue stream and the economic security to make continued, and in some cases, increased cultivation of their land possible.

The draft regulations note an interest in seeing creative projects on farmland and yet the rating criteria deems non-preserved farmland "not preferred," putting these projects at a significant disadvantage in the selection process. The Board's proposed rating criteria reference bonus points that projects can receive for several types of site enhancements but doesn't stipulate the number of points that can be earned or provide clear methods for demonstrating compliance. CCSA recommends that the Board adopt the additional criteria outlined in our revised evaluation rubric to more fairly evaluate projects on non-preserved farmland.

Many solar projects developed on farmland are designed to protect soil, restore or enhance native habitat, and ensure continued cultivation of adjacent farm parcels. Projects that employ meaningful measures to achieve these goals should be awarded additional points in the evaluation criteria. As outlined in our revised evaluation rubric, CCSA recommends awarding additional points to projects that demonstrate that they will achieve the following goals:

Soil Conservation

Including soil management best practices in the design and construction of a project ensures that solar is truly a temporary form of development and is also an important factor in promoting native species growth and agricultural activity beneath the arrays if designed for or desired. When soil quality is conserved, the land on which a project is built can easily be restored to productive farmland after the project is decommissioned. The proper preservation of soils also aids in strengthening the hydrology of the solar site. In order to qualify for additional points in this category, CCSA recommends that projects demonstrate compliance with the requirements outlined in our proposed evaluation rubric, which are based on standards from the Massachusetts SMART program.¹

Stormwater Management

A stormwater management plan that includes nutrient management and swales or vegetative features in locations that promote the infiltration of stormwater helps to protect wetland resource areas and

¹ [225 CMR 20.00: Solar Massachusetts Renewable Target \(SMART\) Program](#), Section 20.05(5).

maintain or enhance the hydrology at and around the development site. CCSA recommends that projects be required to obtain a National Pollutant Discharge Elimination System (NPDES) stormwater management permit and submit a Stormwater Pollution Protection Plan (SWPPP) to qualify for additional points in this category.

Restoration or Enhancement of Native Habitat and Creation of Pollinator-Friendly Habitat

Project sites that are designed to enhance or maintain habitat continuity and/or create pollinator-friendly habitat should receive preference in the evaluation criteria. As opposed to contributing to habitat fragmentation, solar projects can promote connectivity between forested habitats by using conservation buffers or hedgerows and fences can be elevated to promote the free movement of small wildlife. Native habitat can be enhanced or restored with placement of rocks, felled trees and bird boxes as well as ecologically beneficial vegetative management strategies.

Solar sites that create pollinator-friendly habitat should also be awarded additional points in the evaluation criteria. The Minnesota Board of Water and Soil Resources has created a comprehensive Solar Site Pollinator Habitat Assessment Form that CCSA recommends be used to demonstrate compliance with nationally-recognized pollinator habitat standards.² A project should achieve the “Meets Pollinator Standards” designation using the Minnesota assessment form and have the form signed by a vegetation consultant in order to receive the additional pollinator-friendly criteria points.

Minimal Aesthetic Impact

Preserving the beauty of New Jersey’s farmland is important to many residents of farming communities and solar projects that are designed to limit their impact on the aesthetics of the surrounding area should be awarded additional points in the evaluation criteria. For example, projects in locations with potential for visual impacts can use native plants for landscaping and effective screening and/or build windbreaks or conservation buffers using materials or equipment that are customary for farming activities. CCSA recommends that applicants utilize the screening best practices outlined and provide a viewshed analysis demonstrating the estimated impact of the project on surrounding public viewpoints in order to be awarded the additional points in this category.

Siting on subprime farmland or previously distributed land

Many farms include portions of land that have been neglected or are not currently suitable for farming. In order to allow for continued cultivation of a property’s most productive land, projects can be located on subprime farmland (land not currently under cultivation) or previously disturbed land (land with pre-existing paving, construction or otherwise altered landscapes). CCSA recommends that projects sited on subprime farmland or previously disturbed land be awarded additional points in the evaluation criteria and can demonstrate compliance through the submission of a farm plan.

Projects that enable the increase of agricultural output

² Minnesota’s “Project Planning Assessment Form” is available at this website, under “Habitat Friendly Solar Certification”: <http://www.bwsr.state.mn.us/practices/pollinator/>

Projects that enable an increase in agricultural output help secure the economic viability of a farm and should be awarded additional points in the evaluation criteria. CCSA recommends that a project that provides a farming plan that ensures continued agricultural use of land adjacent to, underneath or around the array and demonstrates that the proposed agricultural activities enhance the productivity of the farm should qualify for this category.

A non-arbitrary process is needed to break ties where projects receive the same score

Presumably a number of projects could end up with the same score, meaning that a group of projects with the same score could together exceed the limits of the approved capacity for the Program Year. A non-arbitrary means of breaking these ties is needed. CCSA suggests using the date and time that the system impact study for interconnection was paid for by the developer as the means of breaking any ties.

Project and subscription cost information is not relevant to selection in the program

Ratepayers are paying a uniform amount for each project in terms of a bill credit and Class I RECs or SRECs. The cost of the project itself (\$/w) and subscription terms are irrelevant to ratepayers and will be optimized for participants through a robust and competitive market among providers.

The application window needs to be consistent with the project maturity requirements adopted

We encourage the Board to finalize and adopt the regulations and application materials as soon as possible. We also ask that the Board provide direction to the utilities and developers to use an distribution-utility-managed interconnection process as is the case in other markets. However, while having the rules and clarity on the interconnection process in place will provide needed clarity for developers, in order to apply sufficient time will be needed for project developers to secure the necessary interconnection studies, site control, and begin the process of securing permits. The application's opening date and length should therefore reflect the market's ability to be ready with those demonstrations of project maturity.

Of the maturity requirements we proposed, an interconnection study is going to be the requirement we believe will dictate when the Board can expect complete applications to be filed. When interconnection studies will be received by developers will be dependent on the interconnection process the Board directs the program to use. Should the board have PJM manage the interconnection process (which we strongly discourag) projects will not be able to be studied until the April 2019 interconnection deadline after which a study will be received approximately 3-7 months later. This would mean that the application window should be open until at least the end of 2019. If, as is much preferred, the distribution utilities use their interconnection processes, interconnection studies should be available in

approximately 3 months, meaning the application window could close in Summer 2019, presuming developers are able to apply in January or February 2019. process would likely take 3 months; but the EDCs don't have requirements that they need to process studies in a certain amount of time.

Some developers may have had projects studied already. A PJM or EDC study should be equally acceptable for demonstrating the interconnection system for maturity requirements though we strongly encourage the BPU to make a distribution utility managed process the default interconnection procedure.

The application process is an important tool through which data should be collected on the pilot program and made public

Collecting and making data available publicly from the Pilot program will be essential to evaluating its success and informing subsequent program years. This is especially true since projects in the program may likely not be operational with subscribed customers until about 2 years after the program opens.

In order to have the best data possible before projects are operational we strongly recommend that BPU publish data on all the applications received in 2019 within 30 days of the closing of the application window, and not just on those projects eventually selected. The data should be released in a spreadsheet similar to the spreadsheet provided recently by the Massachusetts Department of Energy Resources following the opening of its "SMART" program³, and would include key information from the application form such as:

1. Applicant name
2. Community Solar Project Owner name
3. Community Solar Facility Contractor/Installer/Developer name
4. Community Solar Subscriber Organization name
5. Utility territory
6. Community Solar Facility Size in MWac and MWdc
7. Municipality name
8. County name
9. Estimated date of project completion
10. Siting Location (brownfield, landfill, area of historic fill, parking lot, other canopy type over impervious surface, rooftop, ground-mounted on agricultural land, or ground-mounted on other land)
11. Estimated or Anticipated Breakdown of Subscribers by Percentage (% small customers =< 25kW subscriptions non-LMI, % small customers LMI, % larger customers non-LMI, % larger customers LMI)
12. Qualified as LMI Project (Yes or No)
13. Community Solar Subscription Type (Fixed kilowatt hours per year, Fixed kilowatt size, Fixed percentage of community solar facility's nameplate capacity, or Fixed percentage of subscriber's historical usage)
14. Community Solar Subscription Price (Fixed price per month or Variable price per month)

³https://www.mass.gov/media/1945126/download?_ga=2.95882072.554009472.1543848211-483334923.1493903549

15. Geographic Limit for Subscription (Municipality/adjacent municipality, County/adjacent counties, or EDC service territory)
16. Paired with storage (Yes or No)
17. Part of a micro-grid project (Yes or No)

In addition, this data set should be updated quarterly to reflect whether (and when) projects have met milestones identified in NJAC 14:8-9 or whether projects have withdrawn or been removed from the Program Year's queue. An example approach to those categories regarding project status is included above.

Project developers or owners need to be able to prove they have followed through on promises they made in the application process or they should lose their ability participate in the program following a reasonable cure period

In the revised evaluation rubric enclosed with these comments, CCSA has identified clear criteria by which projects can demonstrate they have met the criteria against which their project is scored. Some of the items against which projects will be evaluated cannot be demonstrated at the time of application. For example, at the time of application the project cannot prove that it will have a certain percentage of its generation subscribed by low-income customers. Similarly, before the project is built the developer cannot prove they have used certain land use practices. These are commitments made at the time of the application that the developer or project owner should be held accountable for at the appropriate milestone in the project's development or operation.

NJAC 14:8-9.11(b) 3 requires developers to provide written updates at major milestones in the project development process, presumably when construction commences and when the project is mechanically complete. These milestones are natural opportunities to demonstrate adherence to various promises made in the application. An additional reporting milestone six months after the project is operating can provide the time at which projects demonstrate they are subscribed and have met relevant subscription limits.

If the developer or project owner fails to deliver on promises made in the application and does not cure the failure within a reasonable period of time, the project should be removed from the program and the capacity for that project from that Program Year should be reassigned to the next project waiting in the queue for that Program Year.

Milestones at which certain project characteristics claimed in the developer's application need to be demonstrated:

- 1) Prior to the commencement of construction (also referred to as the Notice to Proceed, or NTP): The project should demonstrate that they have met their subscriber and community related commitments. If the project has failed to meet the commitment made in the initial application, it should have 60 days to cure the failure and meet the commitment. The BPU, at its sole discretion, should have the ability to grant a single, additional 60-day extension if the project developer or

owner can demonstrate progress in meeting the commitment and is likely to successfully fulfill the commitment. These commitments include:

- a. Commitments made under the Subscribers and Environmental Justice section of the evaluation rubric as specified in the rubric; and
- b. Commitments made under the Communities section of the rubric as specified in the rubric.

2) Prior to project commissioning and Permission to Operate (PTO) the project should demonstrate it has met all of the commitments made under the Siting portion of the application. If the project has failed to meet the commitment made in the initial application, it should have 60 days to cure the failure and meet the commitment. The BPU, at its sole discretion, should have the ability to grant a single, additional 60-day extension if the project developer or owner can demonstrate progress in meeting the commitment and is likely to successfully fulfill the commitment. These commitments include any requirements outlined in the Evaluation Rubric related to:

- a. Aesthetic impacts
- b. All documentation required for projects located on landfills, brownfields, areas of historic fill, or areas in need of redevelopment
- c. Demonstration of compliance with Soil Conservation Standards – Project must submit a signature from a professional engineer certifying that its construction complied with all identified standards in the evaluation rubric.
- d. Demonstration of compliance with Stormwater Management Plan Standards – Project must submit a signature from a professional engineer certifying that its construction complied with the Stormwater Pollution Protection Plan provided in its initial application.
- e. Restoration or Enhancement of Native Habitat – Project must submit a signature from a professional engineer certifying that at least two of the four identified criteria in the evaluation rubric have been met.
- f. Pollination Benefits – Project must submit a signature from a professional engineer certifying that the project meets the Minnesota Pollinator Standards.

3) Within six months of the project being operational 90% of the capacity should be subscribed by customers including any customer types selected in the project’s Evaluation Rubric.

II. Proposed Modifications to the Application Form: Section by Section Comments

In this section CCSA provides comments to address issues in each section of the draft Application Form released by the BPU on November 28th in its notice to Stakeholders. These changes are reflected in the underlines and ~~strikethroughs~~ provided in Section IV of our comments.

Section A: Application Form Requirements, Instructions, Terms and Conditions

I. Minimum Qualification Requirements

1) Use of Evaluation Rubric:

Consistent with our comments elsewhere about consolidating questions about various project characteristics against which a project will be evaluated, the minimum qualification criteria’s reference

to Appendix A should be revised to reflect the use of a modified Evaluation Rubric that we proposed based on the questions in the draft BPU application put forward by BPU and the draft rubric provided in Appendix B.

Applicants should complete the Evaluation Rubric to determine their score. In order to receive points for an evaluation criteria, the required documentation outlined in the Evaluation Rubric must be provided with the application.

2) Optional Materials Should Not Be Allow For Consideration

The minimum qualifications section of the form allows for optional materials to be included with the application including a cover letter, letters of support, and marketing or advertising materials. This option provides for substantial ambiguity about how and why projects that were otherwise similar were selected. For example, if two projects had the same score it could raise the question of whether an optional support letter swayed the decision. These additional materials should either be excluded from the application process, or allowed as addenda that are not considered in qualifying the project.

II. Instructions for Completing the Community Solar Energy Pilot Program Application Form

CCSA has identified no needed changes for this section.

III. Special Considerations for Project Siting

This section should be amended to note that projects on certain sites (rooftop, parking structure, parking lot, over impervious surface) do not need to do the checklist with NJDEP given that those projects will only need permits from the local building department.

IV. Important Terms and Conditions

CCSA has identified no needed changes for this section.

Section B: Community Solar Energy Project Description

I. Applicant Contact Information

CCSA has identified no needed changes for this section

II. Community Solar Project Owner

CCSA has identified no needed changes for this section

III. Property/Site Owner Information

CCSA notes that a project sited on a rooftop or parking lot located project should be exempted from this requirement as these projects will only need to receive building permits from the local jurisdiction and won't need permits from the Department of Environmental Protection.

IV. Community Solar Facility Contractor/Installer/Developer (who will construct the Facility?)

CCSA has identified no needed changes for this section.

V. Community Solar Subscriber Organization

CCSA has identified no needed changes for this section.

VI. Proposed Community Solar Facility Characteristics

Estimates for when a project is expected to become operational and have subscribed customers should be included in this section.

VII. Community Solar Facility Siting

As with other sections, we suggest that the Community Solar Facility Siting section be revised such that distinguish between things that are pre-application requirements questions that related to the rating of projects. As with other sections, we propose that the questions related to rating be incorporated into a clearer and more objective replacement to the rating rubric proposed in Appendix B.

In order to apply to the program, each project will be required to meet all of the pre-application requirements, so those requirements should be outlined early in the form and it should be clear to applicants that without meeting these requirements their projects will not be accepted into the program.

The proposed application process requires applicants to report the number of trees cut on a site, however this is often not a meaningful way to measure the impact of solar development on forested or semi-forested sites. Forested areas have trees of different quality and maturity, therefore immature trees should not be counted individually particularly if the area was previously open space or farmland that has been neglected or overgrown. CCSA recommends subtracting points for projects that require clearing more than 25% of the area within the project's boundary. The percentage of land cleared is a more accurate measure of a project's impact than the actual number of trees felled and is an easily quantifiable and verifiable metric through the submission of an annotated GIS map indicating the specific area of trees to be clear relative to the size of the property.

VIII. Community Solar Subscriptions and Subscribers

The number and composition of subscribers will be largely unknown at the time of application. It is important to note that there is a diversity of supply chain strategies and business models in the community solar industry, with some companies focusing on early stage project development, some on customer acquisition, some on long term ownership, and some companies that integrate all aspects of the business. Many community solar providers develop portfolios of projects to help achieve economies of scale and lower costs per MW. Providers often market subscriptions in parallel

with project development, and do not assign specific subscribers to specific projects until close to interconnection.

The application form should not ask whether the project includes an anchor tenant given that a project developer is unlikely to secure an anchor tenant before the project is accepted into the program unless that anchor is a partner in developing the project. Data on whether the project has an anchor tenant could be collected as the project is granted permission to operate by the utility.

At the time of application, projects should be required to certify they will subscribe at least 50% of their capacity to small subscribers. There should then be ongoing compliance requirements in order to maintain the project award – for example, project owners could be required to submit documentation demonstrating at least 90% subscription in the project by six months post utility permission to operate. Any project failing to demonstrate compliance by the deadline would lose its awarded capacity in the program and therefore its right to generate bill credits per the community solar tariff.

In general, developers could make a good faith estimate of the number of subscriptions based on the size of the project and average subscription sizes. Once a project receives permission to operate from the utility it should be close to reaching full subscription and much better data on subscription levels could be provided at that time.

IX. Community Engagement

As with other sections of the application form, some of the items in the Community Engagement section of the draft Application Form are clearly intended to be evaluation criteria by which projects will be ranked. We have removed these from the application form itself and added them to our proposed replacement to the evaluation rubric that was included in Appendix B of the draft application materials released by the Board on November 28th, 2018.

In creating these criteria we have sought to make sure that they are binary (“yes”, “no”) and objective. In doing so we have defined “collaboration” with a local government and “consultative process”. “Collaboration” with a local government should include multiple conversations with municipal officials, a commitment to the local government through a subscription with an agency or other entity within that local government. Likewise, a “community consultative process” is one in which the project location is in line with local zoning priorities, the application can demonstrate outreach to municipality and local community organizations, and the project can demonstrate plans for further outreach throughout development process. The Evaluation Rubric has criteria for determining whether a project has achieved collaboration and/or a community consultative process.

At the application stage some items are going to be unknown and are better treated as data to be collected as the projects progress. This includes the number of New Jersey residents employed and any training program used for New Jersey residents.

X. Project Maturity and Timeline

This section should be moved to the top of the form and made requirements for being eligible for the program. Each project maturity requirement should clearly state that failure to demonstrate achievement of the minimum requirements means the project application will be deemed incomplete.

Due to reasons outside of the control of the developer, project interconnection deadlines and customer bill crediting may be delayed. Estimates of when the project will be online and when it will be serving customers should be part of the "Proposed Community Solar Facility Characteristics" section.

XI. Project Cost

Project cost data should not be part of the evaluation criteria. The cost to the ratepayer (the bill credit amount and a REC or SREC, as applicable) is uniform across each MWh of production from projects in the community solar program. This cost to the ratepayer has no relationship with the cost of the project.

Given that a project applying to the program will be months from construction, any cost information given will be speculative, even if the developer gives a well-intentioned estimate. In addition to its speculative nature, the data will not provide any apples to apples comparisons across projects which may vary in price based on location, cost of interconnection, component choices (including things that modify or enhance generation such as trackers and energy storage), etc.

XII. Grid Benefits

CCSA believes that the question in this section are related to rating the project for determination of whether the project will be included in the pilot program's Program Year 1 initial capacity allocation. For this reason, Questions 1 and 2 from this section have been moved into the evaluation rubric CCSA proposes as a replacement to the evaluation rubric BPU provided in Appendix B.

As with the other sections, criteria needs to be binary ("yes", "no") and unambiguous. Question 3 and 4 should be eliminated from the application. The criteria of whether additional grid benefits are provided by the project is too ambiguous. The example given in the question- reduces congestion- would be addressed as part of interconnection of the project; if the project causes congestion the developer will need to upgrade the project in order to interconnect.

XIII. Special Exemptions and Authorizations

This section should be moved to earlier in the form so that it is included alongside other pre-application questions that are used to determine eligibility.

Section C: Certifications

CCSA has no comments on the Certifications

Section D: Appendices

Appendix A: Product Offering Questionnaire

In lieu of providing this product questionnaire, developers could simply provide a copy of a sample completed disclosure form as is the practice in other states such as New York. However, should the Board want to maintain the questionnaire, the form should be flexible enough to accommodate different commercial offerings. We have provided some redlines to incorporate a fixed discount product (based on bill credits) which is popular. But the “other” category is important for allowing for other types of arrangements.

Contracts terms often start when projects are operational and may be pay as you go or otherwise not conform to the fill-in-the-black format in the form. Therefore, we’ve revised the form to simply provide a line where the provider can describe their contract terms, just as they would in the disclosure form.

Appendix B: Evaluation Criteria

As described in our comments on the various sections above, we have revised the Evaluation Criteria table and replaced it with an Evaluation Rubric which incorporates the items from the draft application’s various checklists as applicable. The Rubric ensures that each criteria is assigned a specific score and that the requirements for demonstrating that criteria are clearly defined.

III. Evaluation Rubric

The Evaluation Rubric attached at the end of our comments replaces a number of questions that were originally in the application form. In most cases questions from the Application Form have been replicated in some form in the Evaluation Rubric. We have made the questions in the Rubric unambiguous and have created documentation requirements for demonstrating that the project does (or will) meet the criteria.

The scoring of the categories in this proposed Evaluation Rubric reflects our understanding of the relevant weights of categories as reflected in the Draft Application Form’s Appendix B. These weightings do not reflect CCSA’s preference for any particular project configuration or subscriber base.

IV. Registration Form Comments

The proposed community solar registration form should be used in lieu of the energy service provider registration form.

In the questions released to Stakeholders on December 4th, 2018, Board Staff asked whether the current energy service provider form would be preferable to the proposed community solar form. CCSA discourages the use of the energy service provider form and instead recommends that the Board use the proposed community solar subscriber organization registration form.

The Board should clarify the instructions and rules surrounding the community solar subscriber organization registration form.

The registration form itself is reasonable but some instructions could be clearer or improved, specifically:

1) The draft registration form states that “a subscriber organization wishing to operate in New Jersey is required to complete and submit this form at least 30 days prior to first conducting business operations in New Jersey related to community solar.”

It is unclear whether "conducting business operations" is meant to refer to any business operations relating to community solar or strictly work related to the definition of a Subscriber Organization (i.e., "to acquire original subscribers for a community solar project and/or acquires replacement subscribers over the lifetime of a community solar project and/or manages subscribers for a community solar project"). If a subscriber organization company is also involved in other areas of community solar work - such as development - that could take place months or years before any type of work that is customer-facing. CCSA recommends clarifying that the registration form needs to be submitted before any work related to acquiring, replacing, or managing customers rather than "business operations relating to community solar work" more generally.

2) The draft registration form states that “Subscriber organizations must submit this form only once, unless there is a material change to the content of the registration form, at which time a new registration form must be submitted.”

CCSA recommends that Subscriber Organizations be permitted to provide modifications or amendments without submission of an entirely new form. This will ease administrative burden.

3) Currently the registrations are required to be delivered by mail or in person. To ease administrative burden we recommend that it be possible to submit forms via email or online.

4) It is not clear what the timelines will be for BPU consideration of the registration forms. Clarification of whether the forms will be "approved" by BPU and what, if any, response the BPU will provide to providers would be helpful. CCSA recommends that the BPU be required to issue approval within 15-30 days.

V . Proposed Modifications to the Consumer Disclosure Form: Comments

Comments on the disclosure form

Overall, CCSA supports the format and proposed content of the Community Solar Disclosure Form. However, there are several specific proposed modifications we suggest to improve usability and to ensure that customers are receiving accurate information in the Disclosure. An updated version with tracked changes is provided in Section VI of our comments.

In the “Document Overview” section of the disclosure form, CCSA recommends noting that the disclosure may not include all relevant terms of the contract. CCSA recommends a slight re-wording of the final sentence, to ensure that customers are advised to contact their community solar provider as a first course of action, particularly if they have questions about their agreement.

Under Customer and Community Solar Provider Information, CCSA recommends permitting the option of including additional customer information. Specifically, some Subscriber Organizations (“SOs”) will want to reference EDC account number, multiple phone numbers, or potentially to distinguish between a customer’s service address and mailing address (if applicable). CCSA also recommends that SOs have the flexibility to include additional information, such as a website. CCSA recommends that inclusion of a “Contact Name” be optional, as it is unclear whether the BPU is seeking to identify the sales agent (if applicable), a customer service agent, or some other representative of the SO. Typically, sales agents will not have further contact with customers following the sale. Often, the SO will prefer that the customer contact a customer service agent regarding any questions or concerns following the point of sale, but it is unclear why a particular person should be named on the Disclosure. CCSA supports inclusion of customer service information (including email and phone) but recommends that inclusion of Contact Name be optional.

Under Subscription Information, CCSA has several suggested improvements. First, the bracketed language in “Subscription Size” including use of the term “Fixed” seems to imply that this numbers would be exact at the point of sale. That may not be practical - community solar agreements are often standardized to be an “up to” or “approximately” amount at the point of sale, then further customized after the SO has obtained historical usage for the customer. CCSA recommends that the instructions clearly indicate that this numbers may be estimates.

Furthermore, the “Fixed” language is problematic as many community solar providers have not adopted such a model and instead have utilized a “fixed discount” model that represents a fixed savings in relation to the bill credit provided, as opposed to a fixed percentage of the subscriber’s utility bill. Community solar products represent a significant area of innovation and competition as providers are working hard to educate lenders regarding risk profiles and develop increasingly consumer-friendly products. It is not in BPU’s or consumers’ or developers’ interests to box in product offerings at this early stage of the community solar market’s development.

The bracketed information in “Subscription Model” is likely to be duplicative of the section immediately below on pricing. CCSA recommends making this section optional and providing flexibility in the information that is presented. For example, if the section is retained it should be acceptable to include “One time fixed payment” or “Pay as you go” without specifying the exact price (which will be included in the pricing section immediately below).

In the Prices and Fees section, CCSA supports a requirement to include a plain language and clear description of the price, including identifying any one-time charges and recurring charges. In the language about cost escalators, CCSA believes the requested information is significantly too detailed to include in the Disclosure. As an example, if a contract with a 20-year term included an annual escalator, this would require listing 80 distinct price points. It is unlikely that this level of information will be helpful to the consumer. Instead, CCSA suggests a requirement to disclose the escalator percentage and how frequently the rate increases in the disclosure, and a requirement that a pricing schedule be included as an appendix or attachment to the contract. This will ensure that customers still receive all necessary information about the escalator and applicable future rates, without including an excessive number of data points in the Disclosure.

Under Payment Details, CCSA supports a requirement to describe the billing procedures, but recommends flexibility in this section, rather than a requirement to check a box for paper or electronic invoice.

Under the Benefits section, CCSA recommends modifying the section to require disclosure of Estimated Benefits in Year One of the agreement only. Because both production of the community solar facility as well as future credit values and subscription prices could be unknown or difficult to predict in the future, the annual credit value could differ from one year to the next. CCSA suggests that an estimate of Year One benefits is likely to be most informative to the customer at the point of sale.

In Penalties, it is unclear what the BPU expects to be disclosed in this section. If the primary issue of concern is potential late payments, CCSA suggests that any such penalties should be included in the Payment Details section above. A non-financial penalty might include termination or cancellation of the agreement by the SO, but that is likely only trigger be default or other “edge” cases, and it seems unhelpful to explain or describe such unlikely scenarios on the Disclosure. While certain fees might be applicable to some agreements, CCSA believes such fees would be disclosed in Prices and Fees or in the Early Termination section. Because this section appears to be duplicative or unnecessary, CCSA recommends that it be omitted and that if there is specific information the BPU seeks to have disclosed it be identified within another applicable section.

The Contract End Date section seems to contemplate that the Disclosure specify an exact end date of the contract (“This contract will remain in effect for [length in month or years], and end on [date], unless cancelled prior to the contract end date). This is impractical. Often, the term of the contract is related to the date the community solar facility begins operation. For example, 20 years from the month following commercial operation of the facility. It is very common for a SO to begin marketing to potential subscribers well before a commercial operation date is scheduled (potentially even before site construction begins). Therefore, it is impractical to require inclusion of a specific date here.

CCSA recommends renaming this section to “Contract Term” and requiring a description of the contract term, without a requirement to specify an exact start or end date.

CCSA recommends removing the Estimated Date Bill Credits Will Appear on Your Utility Bill section. The length of time between a project’s completion and the date customers first receive bill credits is entirely dependent on the utility. Requiring the SO to estimate a date that is not under its control is likely to cause customer confusion and complaints if the date is not met.

Under Complaints and Grievances, CCSA makes a modest suggestion in our enclosed strikethroughs and underlines version of the form to improve readability and direct the consumer to use community solar provider as preferred first point of contact.

CCSA also suggests several modifications to the Instructions to SOs. First, under item 1 we suggest striking “understood” - while CCSA fully supports a requirement to provide a copy of the Disclosure to all customers and to ensure that customers have signed, it is nearly impossible for an SO or sales agent to assess a customer’s understanding of the content. In item 2, we suggest that the Disclosure form be “presented prior to” the first page of the contract, rather than a requirement that the Disclosure be placed as the first page. It is important that the Disclosure be understood as a standardized form that is provided by all SOs, but it is nonetheless a document that is outside the four corners of the contract or agreement and it should not be presented as otherwise.

Comments on the “Instructions to Subscriber Organizations for Preparing New Jersey Community Solar Disclosure Form”

CCSA has identified a number of items which should be revised on the instructions page of the consumer disclosure form:

1) System Information: CCSA supports the requirement that the “System Information” section be filled out, but it is possible that subscribers may not be assigned to a specific community solar project at the point of sale. We therefore recommend striking line 7. CCSA recommends allowing the subscriber organization to give basic information on potential projects a customer could be subscribed to.

2) Signatures: Item 9 includes a directive that the Form be signed by the “same subscriber organization official or representative who signs the contract with the subscriber.’ This is extremely problematic and CCSA recommends modifying this provision. The subscription agreement will generally be signed by either an authorized signatory of the SO or the project Owner who is typically an officer of the company. It is unusual for a sales agent or vendor agent to be recognized as an authorized signatory of the SO or Owner.

The Disclosure includes a representation from the signer that the content of the Form has been fully explained and that questions have been answered to the customer’s satisfaction. It is virtually impossible that an authorized signatory of either the SO or project Owner will have any type of direct interaction with the customer. Further, if a customer signs the contract online (and thus review the Disclosure online) there is no agent to specifically identify as having “explained” information or to have answered questions. CCSA recommends that the requirement for an SO representative only apply if

there is an in-person interaction between a sales agent and a customer. Further, CCSA strongly recommends striking the instruction form directive stating that the representative who signs the Form must be the same individual who signs.

3) Savings Estimates: The instructions include the following requirement:

If the subscriber organization has presented estimated cost savings to the customer, the Disclosure Form must state the customer's actual or assumed current electricity rate in cents or dollars/kWh and any projected savings represented to a potential subscriber shall include a comparison that projects future electricity rates increasing at not more than 1% per year.

Such strictures are not included in the program regulations. Furthermore, a 1% per annum increase in rates is well below historically observed increases in rates.

VI. Proposed Modifications to the Application Form: Strikethroughs and Underlines

In the section below, CCSA has reproduced the application materials that BPU sought comment on in its November 28th, 2018 notice seeking comment. Note that questions to be used for rating projects have been deleted (as evidenced by sections that have been ~~struckthrough~~). Those sections are now part of a consolidated form which we propose replace the evaluation scoring criteria put forward in Appendix B of the BPU's draft materials.

Section A: Application Form Requirements, Instructions, Terms and Conditions

The following Application Form is intended only for entities submitting a community solar project for consideration by the New Jersey Board of Public Utilities ("Board"). Selected projects will be approved for participation in the Community Solar Energy Pilot Program, pursuant to N.J.A.C. 14:8-9.

All Applications are subject to review by Board Staff and final approval by the Board.

Before completing the application, please carefully review the rules contained in N.J.A.C. 14:8-9, and any other rules, regulations, and codes applicable to the design, construction, and operation of a community solar project in New Jersey. All applications must be in compliance with all local, state and federal rules, regulations and codes.

Projects approved for participation in the Community Solar Energy Pilot Program by the Board shall be considered "connected to the distribution system" for purposes of Solar Renewable Energy Certificate ("SREC") and Renewable Energy Credit ("REC") eligibility.

This Application Form is valid only for the following Application Period:

Program Year 1, Application Period 1

Application Period Opens: XXX, 2019

I. Minimum Qualification Requirements

The Community Solar Energy Pilot Program is open to Applications from solar energy projects that meet the following minimum requirements. Additional requirements or criteria apply, as identified in N.J.A.C. 14:8-9.

1. The proposed community solar facility must be located in the electric service territory of an Electric Distribution Company (“EDC”) in the State of New Jersey.
2. Existing solar projects may not apply to requalify as a community solar project. An existing solar project, as defined in N.J.A.C. 14:8-9.2, means a solar project having begun operation and/or been approved by the Board for connection to the distribution system prior to January 1, 2019.
3. The Board will not consider Applications for projects for EDCs to develop, own, or operate community solar project(s).
4. The Board will not consider Applications for projects sited on preserved farmland, as defined in N.J.A.C. 14:8-9.2.
5. The Board will not consider Applications for projects exceeding the capacity limit for individual community solar projects, set at 5MW as defined in N.J.A.C. 14:8-9.4(g).
6. The criteria for evaluation of Applications are presented in Appendix A: the Evaluation Rubric. Applicants should complete the Evaluation Rubric to determine their score. In order to receive points for an evaluation criteria, the required documentation outlined in the Evaluation Rubric must be provided with this application.

II. Instructions for Completing the Community Solar Energy Pilot Program Application Form

1. Each solar electric power generation project applying to participate in the Community Solar Energy Pilot Program requires the submission of an individual application form. Do not apply for more than one (1) project per Application Form. There is no limit to the number of Applications that can be submitted by any one Applicant.
2. Complete sections B and C, and Appendix A and the Evaluation Rubric in full. All attachments are required, unless explicitly marked as optional. All attachments must be attached to the end of the Application Form, therefore forming a complete application package. Note that attachments marked as optional will be considered if included, but their absence will not penalize an Application.
3. Original signatures on all forms and certifications of this Application Form are required. The certifications contained in section C must be notarized.
4. ~~Optional: In addition to completing all applicable sections in this Application Form, the Applicant may attach further documentation describing the proposed project to inform the Board’s assessment of the Application. Examples: a cover page summarizing the proposed project (no more than 1 page), letters of support, marketing or advertising materials. These optional additions may be considered by the Board in the review of the Application, however their absence will not penalize an Application.~~

III. Special Considerations for Project Siting

Unless a project is expected to be sited on a rooftop, parking lot, or parking structure, Applicants should have met, or be scheduled to meet with the New Jersey Department of Environmental Protection’s Office of Permit Coordination and Environmental Review (“PCER”) to determine what permits may be required and to identify other potential issues. More information is available at: <http://www.nj.gov/dep/pcer>. Applicants are expected to have completed the New Jersey Department of Environmental Protection’s (“NJDEP”) Permit Readiness Checklist and submitted said Checklist to the NJDEP PCER prior to submitting the Application to the Board. The Permit Readiness Checklist is available at the following link: <https://www.nj.gov/dep/pcer/introchecklist.htm>.

Special attention should be paid when siting a project on a landfill, a brownfield, or an area of historic fill. For reference, the NJDEP's Guidance for Installation of Solar Renewable Energy Systems on Landfills in New Jersey can be found at the following link: <https://www.nj.gov/dep/dshw/swp/solarguidance.pdf>.

Additionally, the Applicant should review the compliance history at the proposed site and the various operations that were conducted there. Satisfaction of all outstanding NJDEP regulatory compliance obligations, if applicable, will be required. The Applicant should identify any outstanding compliance and enforcement issues associated with the property on which the proposed project is to be sited and resolve them accordingly before submitting the Post Construction NJDEP Compliance Form, if applicable.

If the proposed project is sited on Green Acres preserved open space, as defined in N.J.A.C. 14:8-9.2, or on land owned by the DEP, the Applicant must receive special approval for the project from the NJDEP prior to submitting the Application to the Board, and attach proof of approval to their application package.

IV. Important Terms and Conditions

1. The "Applicant" is defined as the entity that submits the Community Solar Energy Pilot Program Application Form (i.e. an Applicant may be a project developer, project owner, project operator, property owner, contractor, installer, land speculator, or agent thereof).
2. Submission of an Application Form does not obviate the need for compliance with all applicable local, state, and federal laws and regulations.
3. Only Applications that are substantively complete by the close of the Application Period will be considered for participation in the Community Solar Energy Pilot Program during that Program Year. An incomplete Application may be amended and resubmitted during the following Application Period.
4. The Applicant may be required to supplement the information provided in the Application Form upon request from the Board and/or Board Staff.
5. The Applicant must be prepared to present their project in person to Board Staff, at the request of the Board and/or Board Staff. Such a request for an in-person presentation should in no way be construed as foreshadowing the selection or non-selection of an Application for participation in the Community Solar Energy Pilot Program.
6. Should the project be selected, and the project's application specified certain characteristics in the Evaluation Rubric which require documentation at commencement of construction or permission to operate, the project must submit the required documentation in the rubric to the Board at the relevant project development milestone. If the project has failed to meet the commitment made in the initial application, it should have 60 days to cure the failure and meet the commitment. The BPU, at its sole discretion, should have the ability to grant a single, additional 60-day extension if the project developer or owner can demonstrate progress in meeting the commitment and is likely to successfully fulfill the commitment.
7. Along with this application, an applicant must provide proof that they have met at least the minimum maturity requirements for application: an interconnection system impact study, proof that any relevant permits have been applied for (if not received), proof of site control
8. Along with this application a \$60kW deposit must be made with the Board
9. Following the close of the Application Period, each Application will be carefully reviewed and evaluated by Board Staff. Projects will be presented to the Board for approval for participation in the Community Solar Energy Pilot Program beginning with the highest-scored project, and until the allocated program capacity for that Program Year is filled.
10. In reviewing each application, Board Staff may consult with the New Jersey Department of Environmental Protection, the New Jersey Department of Agriculture, or other state agencies as are relevant to the application.
11. Board Staff may reject Applications that are incomplete at the close of the Application Period, that are not in compliance with the rules and regulations established in N.J.A.C. 14:8-9, or that do not meet a minimum standard for selection, as set forth in this Application Form.

12. In the review and/or approval of an Application, the Board may attach specific conditions which must be fulfilled in order to obtain final approval to participate in the Pilot Program.
13. As per N.J.A.C. 14:8-9.3(c), approved projects are expected to begin construction within 6 months of their approval by the Board, and are expected to become fully operational within 12 months of their approval by the Board. Extensions may be granted by Board Staff at its discretion, based on its assessment of the specific circumstances of each project.
14. By submitting an Application, the Applicant acknowledges notice on behalf of all project participants that the information included in the application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Aggregated information may be used by the Board and/or other state, federal, county, regional or local agencies in reports and evaluations, and the geographic location may be used to update Geographic Information System mapping. Applicants may identify sensitive and trade secret information that they wish to keep confidential by submitting them in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.
15. Amendments or supplements to the Community Solar Energy Pilot Program Application Form will be made available via the Board website at www.nj.gov/bpu and the NJCEP website at www.njcleanenergy.com. This Application Form may be modified for future Application Periods at any time without prior notification.

Applications submitted via ~~facsimile or electronic mail will not be accepted~~ uploading of application materials to [BPU web portal for uploading materials securely]. Applications must be received no later than 5:00 P.M. on the date of the close of the Application Period in order to be considered. ~~Mail or hand-deliver nine complete Application packages to:~~

~~Community Solar Energy Pilot Program Application Package
 New Jersey Board of Public Utilities
 44 South Clinton Avenue, 7th Floor
 Post Office Box 350
 Trenton, New Jersey 08625-0350
 Attn: Office of Clean Energy~~

Section B: Community Solar Energy Project Description

Instructions: Section B must be completed in its entirety. Any attachments should be placed at the back of the Application package.

I. Applicant Contact Information

Applicant Company/Entity Name (if applicable): _____
 First Name: _____ Last Name: _____
 Daytime Phone: _____ Email: _____
 Applicant Mailing Address: _____
 City: _____ State: _____ Zip Code: _____

Applicant is: Community Solar Project Owner Community Solar Facility Installer/Developer
 Property/Site Owner Subscriber Organization
 Agent (if agent, what role is represented) _____

II. Community Solar Project Owner

Community Solar Project Owner Company/Entity Name (if applicable): _____
First Name: _____ Last Name: _____
Daytime Phone: _____ Email: _____
Applicant Mailing Address: _____
City: _____ State: _____ Zip Code: _____

III. Property/Site Owner Information

Property Owner Company/Entity Name (if applicable): _____
First Name: _____ Last Name: _____
Daytime Phone: _____ Email: _____
Applicant Mailing Address: _____
City: _____ State: _____ Zip Code: _____

IV. Community Solar Facility Contractor/Installer/Developer (who will construct the Facility?)

Company Name (if applicable): _____
First Name: _____ Last Name: _____
Daytime Phone: _____ Email: _____
Applicant Mailing Address: _____
City: _____ State: _____ Zip Code: _____

V. Community Solar Subscriber Organization

Subscriber Organization Company/Entity Name (if applicable): _____
First Name: _____ Last Name: _____
Daytime Phone: _____ Email: _____
Applicant Mailing Address: _____
City: _____ State: _____ Zip Code: _____

VI. Proposed Community Solar Facility Characteristics

Community Solar Facility Size: _____ MW AC _____ MW DC
Community Solar Location (Address): _____
Name of Property (if applicable): _____
Property Block and Lot Number(s): _____
Community Solar Municipality: _____ County: _____
Zip Code: _____ Total Acreage of Property: _____ acres
Total Acreage of Community Solar Facility: _____ acres

EDC electric service territory in which the proposed community solar facility is located: (select one)

- Atlantic City Electric Jersey Central Power & Light
- Public Service Electric & Gas Rockland Electric Co.

Attach a delineated map of the portion of the property on which the community solar facility will be located.

Estimated date of project completion (assuming that project is approved by the Board in **XXX, 20XX**): (month) _____ (year) _____

The developer should give a good faith estimate recognizing that there may be interconnection, permitting, and other processes out of the developers control which mean the project is completed before or after this date. This data is being collected for informational purposes only.

Estimated date subscribers will first receive bill credits (assuming that project is approved by the Board in **XXX, 20XX**): (month) _____ (year) _____

The developer should give a good faith estimate recognizing that there may be interconnection, permitting, and other processes out of the developers control which mean the project is completed before or after this date. This data is being collected for informational purposes only.

VII. Pre-Application Criteria

1. Demonstration of Meeting Minimum Maturity Requirements

- a. The proposed community solar project has received a preliminary feasibility study from the EDC in which it is located Yes No

If “Yes”, attach a copy of the feasibility study. *If “No” the application will be deemed incomplete.*

- b. The proposed community solar project has applied for and/or received permits other than those received from the NJDEP for the development, construction, or operation of the community solar facility (e.g. municipal, state, interconnection, etc.) Yes No

If “No” (i.e., the project has neither applied for, nor received, permits) the application will be deemed incomplete.

Please list all permits and/or approvals (other than those received from the NJDEP) and attach copies. *The applicant may extend this table by Attaching additional pages if necessary.*

Permit Description	Date Permit Was Applied for	Permit Number	Date Permit Issued	Copy Attached
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

- 2. The proposed community solar project has site control Yes No

If “Yes”, attach proof of site control.

* Site control is defined as property ownership or option to purchase, signed lease or option to lease, or signed contract for use or option for contract for use.

Community Solar Facility Siting Eligibility Criteria

1. The Applicant has completed the NJDEP Permit Readiness Checklist, and submitted it to the NJDEP's Office of Permit Coordination and Environmental Review ("PCER") Yes No

If "Yes", the Applicant must attach a copy of the completed Permit Readiness Checklist that was submitted to the NJDEP PCER. Note that an Application will be deemed incomplete if it does not include a copy of the completed Permit Readiness Checklist.

If "No", in order for this application to be considered complete the Applicant must have identified themselves as located on a parking deck, rooftop, or over an impervious surface in the Evaluation Rubric. Otherwise this application is not complete and will not be considered in the current application period.

2. The Applicant has met with, or is scheduled to meet with, the NJDEP's Office of Permit Coordination and Environmental Review ("PCER") Yes No

If "Yes", the Applicant must attach a proof of a meeting, or scheduled meeting, with the NJDEP PCER. Note that an Application will be deemed incomplete if it does not include evidence of a meeting or scheduled meeting with the NJDEP PCER.

3. The proposed community solar facility is located, in part or in whole, on preserved farmland*, as defined in N.J.A.C. 14:8-9.2 Yes No

If answering yes, the application is not compliant with the pilot program's regulations per NJAC 14-9 and therefore this project will not be considered for participation in the pilot program.

*Preserved farmland is defined in N.J.A.C. 14:8-9.2 as land from which a permanent development easement was conveyed and a deed of easement was recorded with the county clerk's office pursuant to N.J.S.A. 4:1C-11 et seq.; land subject to a farmland preservation program agreement recorded with the county clerk's office pursuant to N.J.S.A. 4:1C-24; land from which development potential has been transferred pursuant to N.J.S.A. 40:55D-113 et seq. or N.J.S.A. 40:55D-137 et seq.; or land conveyed or dedicated by agricultural restriction pursuant to N.J.S.A. 40:55D-39.1.

4. The proposed community solar facility is located, in part or in whole, on Green Acres* preserved open space, as defined in N.J.A.C. 14:8-9.2, or on land owned by the New Jersey Department of Environmental Protection Yes No

If "Yes", the Applicant must attach special authorization from the New Jersey Department of Environmental Protection for the site to host a community solar facility. Per NJAC 14-9, the project will not be considered eligible for the pilot program if it is located on Green Acres preserved open space and does not have special authorization from the Department of Environmental Protection.

*Green Acres preserved open space is defined in N.J.A.C. 14:8-9.2 as land classified as either "funded parkland" or "unfunded parkland" under N.J.A.C. 7:36, or land purchased by the State with "Green Acres funding" (as defined at N.J.A.C. 7:36).

XIII. Special Exemptions and Authorizations

1. Is the proposed community solar project co-located with another proposed or existing solar facility? Yes No

If "Yes", please explain why how the co-location ~~should be approved by the Board~~ is consistent with the requirements of NJAC 14-9.

2. Does this project seek an exemption from the 10-subscriber minimum? Yes No

If "Yes", please demonstrate below (and attach supporting documents as needed):

- a. That the project is sited on the property of a multi-family building.
 - b. That the project will provide specific, identifiable, and quantifiable benefits to the households residing in said multi-family building.
3. ~~The proposed community solar facility is located, in part or in whole, on land that has been actively devoted to agricultural or horticultural use and that is/has been valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L. 1964, c.48 (C. 54:4-23.1 et seq.) at any time within the ten year period prior to the date of submission of the Application~~
..... Yes No
4. ~~The proposed community solar facility is located, in part or in whole, on a landfill~~
..... Yes No
~~Name of the landfill, as identified in the NJDEP's database of New Jersey landfills, available at www.nj.gov/dop/dshw/lrm/landfill.htm:~~
5. ~~The proposed community solar facility is located, in part or in whole, on a brownfield~~
..... Yes No
~~If "Yes", Has a final remediation document been issued for the property?~~ Yes No
~~If "Yes", attach a copy of the Response Action Outcome ("RAO") issued by the LSRP or the No Further Action ("NFA") letter issued by the NJDEP.~~
6. ~~The proposed community solar facility is located, in part or in whole, on an area of historic fill~~
..... Yes No
~~If "Yes", have the remedial investigation requirements pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-4.7 been implemented?~~ Yes No
~~Has the remediation of the historic fill been completed pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.4?~~ Yes No
~~If the remediation of the historic fill has been completed, attach a copy of the Response Action Outcome ("RAO") issued by a Licensed Site Remediation Professional ("LSRP") or the No Further Action ("NFA") letter issued by the NJDEP.~~
7. ~~The proposed community solar facility is located on a parking lot~~ Yes No
8. ~~The proposed community solar facility is located on a parking deck~~ Yes No
9. ~~The proposed community solar facility is located on a rooftop~~ Yes No
10. ~~The proposed community solar facility is located on a right-of-way~~ Yes No
11. ~~The proposed community solar facility is located on a canopy over an impervious surface (e.g. walkway)~~ Yes No
12. ~~The proposed community solar facility is located on the property of an affordable housing complex~~
..... Yes No
13. ~~The proposed community solar facility is located on an area designated in need of redevelopment~~
..... Yes No
~~If "Yes", attach proof of the designation of the area as being in need of redevelopment from a municipal, county, or state entity.~~

~~14. The proposed community solar facility is located a site designated as “preferred” in the NJ Department of Environmental Protection Solar Siting Analysis Yes No~~

15. The proposed community solar facility is located on land or a building that is preserved by a municipal, county, state, or federal entity Yes No

If “Yes”, attach proof of the designation of the area as “preserved” from a municipal, county, or state entity.

~~16. The proposed community solar facility is located, in part or in whole, on forested lands Yes No~~

~~Construction of the proposed community solar facility will require cutting down one or more trees Yes No~~

~~If “Yes”, estimated number of trees required to be cut for construction: _____~~

~~17. The proposed community solar facility is located on land or a building owned or controlled by a government entity, including, but not limited to, a municipal, county, state, or federal entity Yes No~~

18. Are there any use restrictions at the site? Yes No
 If “Yes”, explain the use restriction below and provide documentation that the proposed community solar project is not prohibited.

Will the use restriction be required to be modified? Yes No
 If “Yes”, explain the modification below.

19. What permits and/or approvals, ~~if any~~, have been applied for or received from the NJDEP (i.e. Land Use, Air Quality, NJDES, etc.) directly related to the installation and operation of the solar facility on this property? Please list all permits and/or approvals or proof of application and attach copies. Attach additional pages if necessary.

Permit Description	Permit Number	Date Permit <u>Applied for/</u> Issued	Copy Attached
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

~~20. The proposed community solar facility has been specifically designed or planned to preserve or enhance the site (e.g. landscaping, land enhancements, pollination benefits, storm water management, etc.) Yes No~~

~~If “Yes”, explain below, and provide any additional documentation in an attachment.~~

~~21. A decommissioning plan has been designed for the proposed community solar facility, and all due measures have been or will be enacted to implement this decommissioning plan.~~

~~..... Yes No
 If “Yes”, attach a copy and/or explanation of the decommissioning plan.~~

VII. Community Solar Subscriptions and Subscribers

Estimated or Anticipated Number of Subscribers: _____

- 1. Estimated or Anticipated Breakdown of Subscribers (as a numeric value and/or percentage): Small customers (= < 25kW subscriptions) _____, larger non-residential customers (> 25kW subscriptions) _____. Residential: _____ Commercial: _____ Industrial: _____ Other: _____
**Per NJAC 14-9, all Community Solar Pilot Program projects must have 50% or more of the project's capacity subscribed by customers with subscriptions of 25kW or smaller.*
- 2. The proposed community solar project is an LMI project Yes No
 Estimated or Anticipated Percentage of LMI Subscribers: _____
- 3. The proposed community solar project is being developed in partnership with an affordable housing provider: Yes No
 If "Yes", attach a letter of support from the affordable housing provider (optional).
- 4. An affordable housing provider is seeking to qualify as an LMI subscriber for the purposes of the community solar project Yes No
 If "Yes", estimated or anticipated percentage of the project capacity for the affordable housing provider's subscription: _____

If "Yes", what specific, substantial, identifiable, and quantifiable long-term benefits from the community solar subscription are being passed through to their residents/tenants?

Additionally, the affordable housing provider must attach a signed affidavit that said specific, substantial, identifiable, and quantifiable long-term benefits from the community solar subscription will be passed through to their residents/tenants.

- 1. This project uses an anchor subscriber Yes No
 If "Yes", name of the anchor subscriber (optional): _____

Estimated or anticipated percentage of the project capacity for the anchor subscriber's subscription: _____

- 1. Is there any expectation that the account holder of a master meter will subscribe to the community solar project on behalf of his or her tenants? Yes No
- 2. If "Yes", what specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription are being passed through to the tenants?

Additionally, the account holder of the master meter must attach a signed affidavit that specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription will be passed through to the tenants.

If "No", please be aware that, if, at any time during the operating life of the community solar project, the account holder of a master meter wishes to subscribe to the community solar project on behalf of his or her tenants, he or she must submit to the Board a signed affidavit that specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription will be passed through to the tenants.

- 1. The geographic restriction for distance between project site and subscribers is: (select one)
 No geographic restriction: whole EDC service territory
 Same county OR same county and adjacent counties
 Same municipality OR same municipality and adjacent municipalities

Note that the geographic restriction selected here will apply for the lifetime of the project, barring special dispensation from the Board per N.J.A.C. 14:8-9.5(a).

- 1. Product Offering: (Applicant must also complete and attach one or more product offering form(s) found in Appendix A)
- 2. The subscription proposed offers guaranteed savings to subscribers Yes No

~~3. If "Yes", the proposed savings represent:~~

- ~~0%–5% of the customer's annual electric utility bill~~
- ~~5%–10% of the customer's annual electric utility bill~~
- ~~10%–20% of the customer's annual electric utility bill~~

~~The subscription proposed offers subscribers ownership or a pathway to ownership of a share of the community solar facility Yes No~~

10. The list of approved community solar projects will be published on the Board of Public Utilities website. Additionally, subscriber organizations have the option of indicating, on this list, that the project is currently seeking subscribers.

If this project is approved, the Board should indicate on its website that the project is currently seeking subscribers Yes No

If "Yes", the contact information indicated on the Board's website should read:

Company/Entity Name: _____ Contact Name: _____
 Daytime Phone: _____ Email: _____

Note: it is the responsibility of the project's subscriber organization to notify the Board if/when the project is no longer seeking subscribers, and request that the Board remove the above information on its website.

~~IX. Community Engagement~~

- ~~1. The proposed community solar project is being developed in collaboration with the municipality in which the project is located Yes No~~
- ~~2. If "Yes", explain how. Attach a letter of support from the municipality in which the project is located (optional).~~
- ~~3. The proposed community solar project is being developed in collaboration with one or more local community organization(s) Yes No~~
- ~~4. If "Yes", explain how. Attach a letter of support from the local community organization(s) (optional).~~
- ~~5. The proposed community solar project was developed, at least in part, through a community consultative process Yes No If "Yes", please describe the consultative process:~~
- ~~6. The proposed community solar project will employ local hires (New Jersey residents) Yes No If "Yes", estimated number of jobs created: _____~~
- ~~7. The proposed community solar project will provide job training opportunities for local solar trainees (New Jersey residents) Yes No If "Yes", identify the entity or entities through which job training is or will be organized:~~

~~X. Project Maturity and Timeline~~

~~XI. Project Cost~~

~~Provide the following cost estimates, and attach substantiating evidence in the form of charts and/or spreadsheet models:~~

Net Installed Cost (in \$)	
Net Installed Cost (in \$/Watt)	
Initial Customer Acquisition Cost (in \$/Watt)	
Annual Customer Churn Rate (in %)	
Annual Operating Expenses (in c/kWh)	

LCOE (in ¢/kWh) _____

XII. Grid Benefits

- ~~1. The proposed community solar facility is paired with a micro-grid project Yes No~~
- ~~2. The proposed community solar facility is paired with storage Yes No~~
- ~~3. The proposed community solar facility provides grid benefits (e.g. congestion reduction) Yes No~~
- ~~4. If "Yes", please explain how and provide supporting documents.~~

Section C: Certifications

Instructions: Original signatures on all certifications are required. All certifications in this section must be notarized.

Applicant Certification

The undersigned warrants, certifies, and represents that:

- 1. The information provided in this application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals with such knowledge. And
- 2. The community solar facility proposed in the application will be constructed, installed, and operated as described in the application and in accordance with all Board rules and applicable laws;
- 3. The system proposed in the application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program;
- 4. All signing parties understand that certain information in this application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 5. All signing parties acknowledge that **submission of false information may be grounds for denial of this application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.**

Signature: _____

Print Name: _____

Date: _____

Signed and sworn to before me on this _____ day of _____, 20__

Signature _____

Name _____

Project Installer / Developer Certification

The undersigned warrants, certifies, and represents that:

- 1. The information provided in this application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals with such knowledge; and

2. *The system proposed in the application will be constructed, installed, and operated as described in the application and in accordance with all Board rules and applicable laws;*
3. *The system proposed in the application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program;*
4. *All signing parties understand that certain information in this application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and*
5. **All signing parties acknowledge that *submission of false information may be grounds for denial of this application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.***

Signature: _____

Print Name: _____

Date: _____

Signed and sworn to before me on this _____ day of _____, 20__

Signature _____

Name _____

Project Owner Certification

The undersigned warrants, certifies, and represents that:

1. *The information provided in this application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals with such knowledge; and*
2. *The system proposed in the application will be constructed, installed, and operated as described in the application and in accordance with all Board rules and applicable laws;*
3. *The system proposed in the application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program;*
4. *All signing parties understand that certain information in this application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and*
5. **All signing parties acknowledge that *submission of false information may be grounds for denial of this application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.***

Signature: _____

Print Name: _____

Date: _____

Signed and sworn to before me on this _____ day of _____, 20__

Signature _____

Name _____

Subscriber Organization Certification

The undersigned warrants, certifies, and represents that:

1. The information provided in this application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals with such knowledge; and
2. The system proposed in the application will be constructed, installed, and operated as described in the application and in accordance with all Board rules and applicable laws;
3. The system proposed in the application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program;
4. All signing parties understand that certain information in this application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
5. All signing parties acknowledge that **submission of false information may be grounds for denial of this application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.**

Signature: _____

Print Name: _____

Date: _____

Signed and sworn to before me on this _____ day of _____, 20__

Signature _____

Name _____

Section D: Appendix

Appendix A: Product Offering Questionnaire

In the section below, CCSA has reproduced the Project Offering Questionnaire that BPU sought comment on in its November 28th, 2018 notice seeking comment. In this reproduction of the disclosure form CCSA has provided revisions via ~~Strikethroughs~~ and Underlines.

Fill out the following Product Offering Questionnaire. If there are multiple different product offerings for the proposed community solar project, please fill out and attach one Product Offering Questionnaire per product offering.

This Questionnaire is Product Offering number _____ of _____ (total number of product offerings).

1. Community Solar Subscription Type: (check one)

- ~~Fixed~~ kilowatt hours per year
- ~~Fixed~~ kilowatt size
- ~~Fixed~~ percentage of community solar facility's nameplate capacity
- ~~Fixed~~ percentage of subscriber's historical usage
- percentage of bill credits
- Other: _____

1. Community Solar Subscription Price: (check all that apply)

- Fixed price per month
- Variable price per month, variation based on: _____
- The subscription has an escalator of _____ % per year (or other period: _____)

2. Contract term (length): _____ ~~months, or~~ _____ ~~years~~

3. Fees

- Sign-up fee: _____
- Early Termination or Cancellation fees: _____
- Other fee(s): _____

4. Does the subscription guarantee savings or specific, quantifiable economic benefits to the subscriber?

..... Yes No

5. If "Yes", the savings are guaranteed:

- As a percentage of monthly utility bill
- As a fixed guaranteed savings compared to average historic bill
- As a fixed percentage of bill credits
- Other: _____

1. How will the subscriber organization manage defaults and subscription churn?

Appendix B: Evaluation Criteria

~~The Evaluation Criteria chart below lists the various categories that the Board will consider in evaluating project Applications. Projects must score a minimum 40 points total in order to be considered for participation in the Community Solar Energy Pilot Program.~~

Evaluation Criteria	Max. Points

<p>Siting</p> <p>Higher preference: landfills, brownfields, areas of historic fill, rooftops, parking lots, parking decks</p> <p>Medium preference: rights-of-way, canopies over impervious surfaces (e.g. walkway), areas designated in need of redevelopment</p> <p>Not preferred: preserved land, wetlands, forested area, farmland</p> <p>Bonus points for: landscaping, land enhancement, pollination support, storm water management, decommissioning plan</p>	20
<p>Subscribers and Environmental Justice</p> <p>Higher preference: LMI project, with real benefits to the LMI subscribers, more than 50% kWh assigned to residential subscribers, in environmentally disadvantaged community (as defined by DEP)</p>	20
<p>Product Offering</p> <p>Higher preference: guaranteed savings >10%, flexible terms</p> <p>Medium preference: guaranteed savings >5%</p> <p>Not preferred: no Guaranteed savings</p>	20
<p>Cost in \$/kW installed</p> <p>Higher preference: lowest cost</p>	10
<p>Community and Environmental Justice Engagement</p> <p>Higher preference: partnership with municipality, partnership with local community organization(s), partnership with partnership with affordable housing provider, provides local jobs/job training</p> <p>Medium preference: letter of support from municipality, project owner is a government and/or public and/or quasi-public entity, project owner is an affordable housing developer</p>	10
<p>Other Benefits</p> <p>Paired with storage, micro-grid project, energy audit, EE measures</p>	10
<p>Geographic Limit</p> <p>Higher preference: municipality/adjacent municipality</p> <p>Medium preference: county/adjacent county</p> <p>No preference: any geographic location within the EDC service territory.</p>	5
<p>Project Maturity</p> <p>Higher preference: EDC feasibility study received, permits received, site control received</p> <p>Medium preference: EDC feasibility study applied for, permits applied for, conditional site control</p>	5

V. Proposed Modifications to the Registration Form: Strikethroughs and Underlines

In the section below, CCSA has reproduced the registration form that BPU sought comment on in its November 28th, 2018 notice seeking comment. In this reproduction of the disclosure form CCSA has provided revisions via ~~Strikethroughs~~ and Underlines.

Community Solar Subscriber Organization Registration Form
Instructions for Completing the Community Solar Subscriber Organization Registration Form

The following Registration Form is intended only for community solar subscriber organizations wishing to register with the New Jersey Board of Public Utilities in order to conduct business pertaining to community solar in the State of New Jersey, pursuant to N.J.A.C. 14:8-9.10(a).

A “community solar subscriber organization” or “subscriber organization”, as defined in N.J.A.C. 14:8- 9.2, is an entity, duly registered with the New Jersey Board of Public Utilities, which works to acquire original subscribers for a community solar project and/or acquires replacement subscribers over the lifetime of a community solar project and/or manages subscribers for a community solar project. The community solar subscriber organization may or may not be, in whole, in part, or not at all, organized by the community solar developer, community solar owner, or community solar operator. Furthermore, multiple subscriber organizations may work on one single community solar project; each of them must submit a Registration Form.

A subscriber organization wishing to operate in New Jersey is required to complete and submit this form at least 30 days prior to first ~~conducting business operations before any work related to acquiring, replacing, or managing customers~~ in New Jersey related to community solar. Failure to comply may result in a temporary or permanent prohibition from conducting business related to community solar in New Jersey. The Certification under Oath must be notarized.

Subscriber organizations must submit this form only once, unless there is a material change to the content of the registration form, at which time a new registration form must be submitted.

Registration Forms should be mailed or hand-delivered to:

Community Solar Energy Pilot Program
New Jersey Board of Public Utilities
44 South Clinton Avenue, 7th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
Attn: Office of Clean Energy

Alternatively, the Registration Forms may also be sent via email to: **XXXX**

Community Solar Subscriber Organization Registration Form

Legal Name of Registrant: _____
D/B/A or Trade Name (if applicable): _____
Address: _____
City: _____ State: _____ Zip: _____
Daytime Telephone Number: (____) _____ Fax: (____) _____
E-mail address: _____
Website URL: _____

Business Address in New Jersey (if different from above): _____
City: _____ State: _____ Zip: _____
Daytime Telephone Number: (____) _____ Fax: (____) _____
E-mail address: _____
Website URL: _____
Federal Tax Number: _____

Contact First Name: _____ Last Name: _____
Title: _____
Daytime Telephone Number: (____) _____ Fax: (____) _____
E-mail address: _____

**The Contact must be knowledgeable of the Registrant's operations and available to answer requests and inquiries from the Board during normal business hours.*

Contact information for any parent company or other corporate entity with an ownership interest of 10 percent or more of the Registrant: (attach additional pages if necessary)

Legal Name of Applicant: _____
D/B/A or Trade Name (if applicable): _____
Address: _____
City: _____ State: _____ Zip: _____
Daytime Telephone Number: (____) _____ Fax: (____) _____

Approximate number of people employed by the Registrant who will be operating in New Jersey on matters related to community solar: _____

Has the registrant, any senior officer of the registrant, or any corporate entity with an ownership interest of 10 percent or more of the registrant ever been under investigation in New Jersey or any other state or federal jurisdiction, received any criminal or regulatory sanctions, filed a petition in bankruptcy or reorganization or been affiliated with any entity that has filed a petition in bankruptcy or reorganization?

..... Yes No

If "Yes", identify the entities or individuals subject to investigation or sanctions and provide a detailed explanation of the investigation or sanctions:

Disclose any decisions or pending escalated regulatory actions in New Jersey or other states that affect the registrant's ability to operate in New Jersey, such as suspension, revocation, bankruptcy, or limitation of operating authority:

List the types of services or products to be offered by the Registrant in New Jersey in connection to community solar: (attach additional pages if necessary)

Certification under oath

I, _____ (name) _____, hereby certify that I am the _____ (title) _____ of the registered community solar subscriber organization _____ (name) _____ and have been authorized to file this Registration Form and Certification on behalf of my organization.

I hereby certify that I have carefully examined all of the statements contained in this Registration Form and in the attachments hereto and made a part hereof, that I have knowledge of the matters set forth herein, that all statements made and matters set forth herein are true and correct to the best of my knowledge, information, and belief and that I know of no material omission. I am aware that submitting false or misleading information in connection with this Registration Form is ground for revocation of registration and may subject me, the registered community solar subscriber organization, and other responsible persons on behalf of the registered community solar subscriber organization to penalties of perjury, as well as to other civil or criminal penalties.

I hereby certify that the registered community solar subscriber organization agrees to comply with all standards, rules and regulations applicable to this registration, in accordance with N.J.A.C. 14:8-9 or as may be established by any applicable regulatory authority. I hereby certify that all individuals employed by the Registrant and who may conduct operations pertaining to community solar in New Jersey have been trained to comply with all applicable standards, rules and regulations prior to their commencing work pertaining to community solar in New Jersey.

I hereby certify that the registered community solar subscriber organization shall provide in a commercially reasonable manner such information as the Board or its Staff shall require in cases of dispute, compliance verification, or investigation.

Dated this _____ day of _____, 20__ at _____ (location)

Signature: _____

Signature _____

Name _____

Title

Signed and sworn to before me on this _____ day of _____, 20__ at _____

Signature

Name

VII. Proposed Modifications to the Consumer Disclosure Form: ~~Strikethroughs~~ and Underlines

In the section below, CCSA has reproduced the consumer disclosure form that BPU sought comment on in its November 28th, 2018 notice seeking comment. In this reproduction of the disclosure form CCSA has provided revisions via ~~Strikethroughs~~ and Underlines.

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[NJ Clean Energy Program logo]

[Optional: Logo of community solar subscriber organization]

CUSTOMER INFORMATION		COMMUNITY SOLAR PROVIDER INFORMATION	
Customer Name:		Company Name:	
Address:		Address:	
City, State, Zip:		City, State, Zip:	
EDC electric service territory: <u>EDC account number:</u>		[Contact Name:] <u>Website:</u>	
Phone:		Phone:	
Email:		Email:	
SUBSCRIPTION INFORMATION			Reference Page or Section
Subscription Size	<p>[Fixed XX kWh/year, or XX kWh/month] [Fixed XX kW] [XX% of community solar project nameplate capacity. Total nameplate capacity is XXX. Estimated energy produced by this % share is XXX kWh/year.] This subscription represents approximately [XXX%] of your annual historic electricity usage.</p>		
[Subscription Model]	<p>[Your total subscription cost is a one-time fixed payment of \$XX.] [Your subscription cost is "Pay as You Go" a monthly fixed payment of \$XX/month.] [Your subscription cost is a variable payment of approximately \$XX/month.] [Description of other subscription model]</p>		
Prices and Fees	<p>[Plain language description of the price paid by subscribers per month for their subscription in \$ or \$/kWh, and total cost per month in \$.] If price includes both fixed and variable components, identify fixed and variable cost components separately. Identify any one-time charges separately. Identify any recurrent charges, and how often they are to be paid.</p> <p>If price is variable or not known, include:</p> <ol style="list-style-type: none"> 1) A plain language description of the method that will be used to calculate price; 2) A reasonable and good faith estimate of that price, along with a clear disclaimer regarding possible variations to that estimate. <p>Specify whether any charges may increase over the course of the contract, the conditions under which the increase may occur, and how much notice will be provided. If there is a cost escalator or rate, clearly identify that escalator and <u>provide calculations for escalated price in three month increments from the contract effective date until the contract end date</u> how frequently the rate increases, and include <u>a pricing schedule as attachment or appendix to agreement.</u></p>		

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Payment Details	[Describe billing procedure, including payment schedule (e.g. one-time, monthly, quarterly, annual), payment method, and payment due date.] [You will receive: <input type="checkbox"/> An electronic invoice (sent to your email address above) <input type="checkbox"/> A paper invoice (sent to your U.S. mail address above)]	
Benefits	Estimated annual kWh received: [XX kWh] Estimated annual credit value in year one (\$): [\$XX] [Estimated year one annual savings (in \$): \$XX] [Estimated savings over the life of the contract (in \$): \$XX] Other benefits: [include all credits, incentives, or rebates that customer will receive or will sign over to the Provider, or for which the customer may be eligible].	
Penalties	[Identify any potential penalties, and under which conditions they could be charged.] If payment is more than [XX] days late, you will be charged [\$XX]	
Guarantees	[Plain language description of guaranteed savings, guaranteed performance or production, or "This contract does not guarantee savings"]	
Contract Effective Date	This contract is effective on [date].	
Contract End Date/Term	[Description of contract term] This contract [length in months or years], and end on [date], unless cancelled prior to the contract end date.	
Renewal	[Conditions for renewal of contract. If renewal is not offered, write "This contract does not have an option for renewal"]	
Estimated date bill credits will appear on your utility bill	[Month/Year]	
Early Termination or Cancellation	[Description and amount of early termination or cancellation fees. If not applicable, write "No early termination or cancellation fees apply." [Description of terms and conditions for early termination or cancellation, including process for requesting early termination or cancellation and any applicable notice periods.]	
Right to Cancel Without Penalty	In addition to any rights you have under State or local law, you have the right to terminate this contract without penalty within seven calendar days of signing the contract, by contacting your community solar provider: [insert information identical to above].	
Data Sharing and Privacy Policy	[Include a short description of the subscriber organization's data sharing and privacy policy.]	
Other Important Terms	[Include additional information. If not applicable, write N/A]	
SYSTEM INFORMATION		
Community Solar Project Name	[Name of project]	
Project Location	[City, Zip]	
Commercial Operation Date	[Date of commercial operation, or estimated date of commercial operation if project is not yet operational.]	
Complaints and Grievances		
If you have any questions or concerns, you should contact your community solar provider. Complaints may be addressed first to your community solar provider. If the issue remains unresolved, please contact the Board of Public Utilities by calling 866-NJSMART (866-657-6278).		

I, _____, hereby confirm that I have received and understand the above information. I confirm that I have had a chance to ask questions of my community solar provider and have received sufficient answers. I further confirm that I have received, reviewed, and understand the full subscription contract, as it may contain provisions not included in this Disclosure Form

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 Customer Signature

Date

[I, _____, hereby confirm that I have fully explained the above information to the customer and answered any questions that the customer may have had completely and truthfully, to the customer's satisfaction. I certify that the above information is true and accurate to the best of my knowledge, and that it conforms with the provisions contained in the full subscription contract.]

 Signature from Provider Official or Representative

Date

Instructions to Subscriber Organizations for Preparing New Jersey Community Solar Disclosure Form

1. As a subscriber organization, you are responsible for presenting a Disclosure Form to each subscriber with whom you sign a subscription agreement or contract, and for ensuring that the Disclosure Form is read, ~~understood,~~ and signed by the subscriber at the same time as the contract.
2. The Disclosure Form must be presented to the subscriber at the same time as their full subscription contract, and be ~~placed as~~ presented prior to the first page of said contract.
3. All bracketed, highlighted information must be replaced with the information indicated. No information box may remain empty. The brackets and highlighting should be removed. All information must be typed or legibly printed.
4. Text that is not bracketed or highlighted may not be removed or edited. Rows and columns may not be rearranged or removed.
5. Information should be kept accurate and concise. The fully completed Disclosure Form should not exceed three pages in length.
6. Color, font type, and font size may be modified so long as the following conditions are met:
 - a. The color and font type are standard.
 - b. The modification does not hamper legibility of the Disclosure Form.
 - c. Font size is no smaller than 10 point.
- ~~7. Subscribers must be assigned to a specific community solar project. The "System Information" section must be filled out.~~
8. The right-hand column "Reference Page or Section" must be completed with the reference page and/or section numbers of the contract corresponding to each category in the Disclosure Form.
9. The Disclosure Form should be signed by the same subscriber organization official or representative who signs the contract with the subscriber.
10. If it is possible for the term of the contract to commence more than 30 days after the contract's effective date, then the subscription organization must send the customer a supplemental notice within ~~44-~~30 days of the date the term actually commences.
11. In the "Community Solar Provider Information" section, provide a contact ~~name, phone, and email~~ information that will be responsive to customer inquiries during normal business hours.
12. In the "Subscription Size" section, complete one of the three options. Delete the other two options.
13. In the "Subscription Model" section, complete one of the four options. Delete the other three options.
14. The "Prices and Fees" section must include an exhaustive list and description of all applicable fees including, but not limited to: security deposit, application fee, subscription reduction fee, late payment fee, and fees associated with payment methods. Total Cost or Total Estimated Cost must be included for purchase contracts. This section should note whether fees are refundable or nonrefundable. If prices or fees are estimated or subject to change, in part or in whole, this section must include: clear notice of possible price changes, plain language description of the method for calculating exact cost, and a good faith and reasonable estimate of actual cost. Include an approximate payment schedule type (one-time, monthly, quarterly, annual, etc.). Any early termination or cancellation fees must be disclosed separately, in the appropriate "Early Termination or Cancellation" section. Note that subscriber organizations may not charge customers a fee, penalty, or other charge that was not made explicit in the Disclosure Form.
15. In the "Benefits" section: complete bracketed information. Where information is estimated, provide a good faith and

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reasonable estimate, and specify the conditions under which that estimate may change. ~~If the subscriber organization has presented estimated cost savings to the customer, the Disclosure Form must state the customer's actual or assumed current electricity rate in cents or dollars/kWh and any projected savings represented to a potential subscriber shall include a comparison that projects future electricity rates increasing at not more than 1% per year.~~ If there are no estimated savings, delete the "Estimated one-year savings" and "Estimated savings over the life of the contract" lines.

16. The representative signature and customer attestation that the contract has been explained to them is only required for an in-person sale of a community solar subscription.
17. If the project is not determined at the time of the subscription, the subscriber organization should provide potential locations (municipality/county) and explain how customer will receive notice when they are assigned to a project.

Community Solar Pilot Program Year 1 Evaluation Rubric

Instructions: Please complete the form below and submit it with the rest of your application. You will determine your project's score by selecting "Yes" or "No" for each Criteria and assigning the potential points to each criteria for which you answer "Yes". Sum each subsection (including the subsection for Adders/Subtractors for siting factors) to determine your project's score. Per NJAC 14:8-9 all projects will be ranked for selection by the board; this is the criteria that projects will be scored by for that ranking for the application period in Program Year 1, which runs from XXX, 2019 to XXX, 2019. Projects will only receive points for a criteria if they submit the required documentation for each criteria. In order to remain in the pilot program projects will need to document at commencement of construction and permission to operate proof that criteria has been met if it cannot be demonstrated at the time of application.

	Community Solar Facility Siting Criteria	Yes	No	Potential Points	Score	Additional Documentation Required to Receive Siting Criteria Points
1	The proposed community solar facility is located, in part or in whole, on a landfill			20		Must provide name of the the land, as identified in the NJDEP's database of New Jersey landfills, available at www.nj.gov/dep/dshw/lrm/landfill.htm . Land must be properly closed for consideration in the program. Provide documentation of site control.
2	The proposed community solar facility is located, in part or in whole, on an Active, Pending, or Closed brownfield site listed at https://www.state.nj.us/dep/srp/kcsnj/			20		Must provide listing of the site, a final remediation document (if issued), and a copy of the Response Action Outcome ("RAO") issued by the LSRP or the No Further Action ("NFA") letter issued by the NJDEP. Provide documentation of site control.
3	The proposed community solar facility is located, in part or in whole, on an area of historic and the remedial investigation requirements pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-4.7 have been implemented			20		Attach a copy of the Response Action Outcome ("RAO") issued by a Licensed Site Remediation Professional ("LSRP") or the No Further Action ("NFA") letter issued by the NJDEP
4	The proposed community solar facility is located on a parking lot			20		Provide documentation of site control
5	The proposed facility is located on a parking deck			20		Provide documentation of site control
6	The proposed facility is located on a rooftop			20		Provide documentation of site control
7	The proposed facility is located on a public right-of-way			15		Provide documentation of site control
8	The proposed community solar facility is located on a canopy over an impervious surface (e.g. walkway)			15		Provide documentation of site control
9	The proposed community solar facility is located on the property of an affordable housing complex			15		Provide documentation of site control.
10	The proposed community solar facility is located on an area designated in need of redevelopment			15		Attach documentation from a municipal, county or state entity confirming the site has been designated in need of redevelopment. Provide documentation of site control.
11	The proposed community solar facility is located, in part or in whole, on land that has been actively devoted to agricultural or horticultural use and that is/has been valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L. 1964, c.48 (C. 54:4-23.1 et seq.) at any time within the ten year period prior to the date of submission of the Application			7		Siting on agricultural land is permitted but not preferred.
12	The proposed community solar facility is ground-mounted and located in part or in whole on land that has NOT been actively devoted to agricultural or horticultural use and that is/has been valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L. 1964, c.48 (C. 54:4-23.1 et seq.) at any time within the ten year period prior to the date of submission of the Application			10		With initial application: provide an attestation from the property owner that the land has not been used for agriculture in the past 10 years and/or had previous industrial or commercial use.

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	Project Siting Adders/Subtractors					
13	The proposed community solar facility is located a site designated as "preferred" in the NJ Department of Environmental Protection Solar Siting Analysis			5		With Initial Application: "Preferred Lands" as defined in the Solar Siting Analysis https://www.state.nj.us/dep/aqes/SSAFINAL.pdf
14	If the proposed community solar facility is located, in part or in whole, on forested lands, will construction of the proposed facility require clearing more than 25% of the area within the actual project boundary?			-2		With Initial Application: Project must submit annotated GIS map showing percent of project boundary that will be cleared.
15	The proposed community solar facility is located on land or a building owned or controlled by a government entity, including, but not limited to, a municipal, county, state, or federal entity			1		Proof of site filed to meet maturity requirements is sufficient to document that this project will be built on a government building
16	<p>Soil Conservation</p> <ul style="list-style-type: none"> - no removal of field soils; -existing leveled field areas left as-is without disturbance; -where soils must be leveled or smoothed, the overall impact will be minimized and all displaced soils returned to the areas affected; -ballasts, screw-type, or post-driven pilings and other acceptable minimal soil impact methods that do not require footings or other permanent foundations are required unless the need for alternatives can be demonstrated; -soil penetrations required for providing system foundations necessary for additional structural loading or for providing system trenching shall be done with minimal soils disturbance and any displaced soils to be recovered and returned after work is completed; -no concrete or asphalt in the mounting area other than ballasts or other code-required surfaces, such as transformer or electric gear pads; -installation may not disturb an existing soil and water conservation plan and should avoid creating a negative impact to soils and water conservation best management practices -limited use of geotextile fabrics; and -maintain vegetative cover to prevent soil erosion 			2		<p>With Initial Application: Project must submit narrative demonstrating that it will be constructed according to the identified standards</p> <p>At Mechanical Completion: Project must submit signature from a professional engineer certifying that its construction complied with all identified standards.</p>
17	<p>Storm water management plan:</p> <ul style="list-style-type: none"> - Project incorporate swales or vegetative features required in locations that promote infiltration of stormwater, nutrient management, and otherwise help mitigate impacts to wetland resource areas 			1		<p>With Initial Application: Project must show it has applied for NPDES stormwater management permit. Project must provide a copy of their Stormwater Pollution Protection Plan (SWPPP)</p> <p>At Mechanical Completion: Project must submit signature from professional engineer that project construction complied with the SWPPP.</p>

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18	<p>Restoration or enhancement of native habitat:</p> <ul style="list-style-type: none"> - Border Areas: Promote wildlife habitat enhancements via felled trees, rock placements, bird boxes, and ecologically beneficial vegetative management strategies - Fence Line: Elevate fencing by 6" to promote the free movement of small wildlife - Habitat Fragmentation: Project avoids segmenting or otherwise promotes connectivity between forested habitats (e.g., through the use of conservation buffers or hedgerows) - Restoration of native habitat that can be demonstrated with certification by environmental engineer 			2		<p>With Initial Application: Project must submit narrative demonstrating that it will meet at least 2 of the 4 criteria. At Mechanical Completion: Project must submit signature from a professional engineer that at least 2 of the 4 criteria were met.</p>
19	<p>Pollination benefits:</p> <ul style="list-style-type: none"> - Project meets the Minnesota pollinator standard 			2		<p>With Initial Application: Project must submit Minnesota Solar Site Pollinator Habitat Assessment Form for Project Planning to demonstrate it will meet MN's pollinator standard http://www.bwsr.state.mn.us/practices/pollinator/project_planning_assessment_form.pdf At Mechanical Completion: Project must submit signature from a vegetation consultant that MN pollinator standards have been met.</p>
20	<p>Aesthetic Impact</p> <ul style="list-style-type: none"> - Use of native plants for landscaping and screening - Windbreaks or conservation buffers otherwise suitable or customary for farming activities shall be encouraged in locations with the potential for visual impacts (e.g. rural residential zones) See USDA Conservation Buffer Design Guideline for guidance - Limit grubbing of sub-soil root system only to areas proposed to host the array (i.e. within the fence line) - A portion of trees cut from around the project footprint to be felled in place and left to decompose 			2		<p>With Initial Application: Project must meet 2 of the 4 criteria to receive points for this category. Project must submit landscaping plan and view shed analysis to demonstrate minimal aesthetic impact.</p>
21	<p>Project sited on Subprime or "Marginal" Farmland</p> <ul style="list-style-type: none"> - Subprime Farmland is land not currently in cultivation but has potential and the soil types align with farming as a use; - Previously Disturbed Land (i.e., "Marginal Land") is land with pre-existing paving, construction or altered landscapes and soil types that align with farming as a use. 			2		<p>With Initial Application: Project must submit documentation demonstrating that it is sited on land that is Subprime Farmland or Previously Disturbed Land.</p>
22	<p>Project Enables the Increase of Agricultural Output</p> <ul style="list-style-type: none"> - Provide farming plan that promotes or otherwise ensures the continued agriculture use of land adjacent to, underneath or around the array; - Project has documented institutional partnerships and is done in consultation with or with the on-going involvement of an agricultural school in New Jersey that has an on-going research or vocational development effort specifically targeted to dual-use solar projects. 			2		<p>With Initial Application: Project must provide farming plan outlining how the project will lead to increased agricultural output.</p>
23	<p>Project has documented institutional partnerships and is done in consultation with or with the on-going involvement of an agricultural school in New Jersey that has an on-going research or vocational development effort specifically targeted to dual-use solar projects.</p>			1		<p>With Initial Application: Project must provide a letter outlining the institutional partnership.</p>
24	<p>A decommissioning plan has been designed for the proposed community solar facility, and all due measures have been or will be enacted to implement this decommissioning plan.</p>			1		<p>With Initial Application: Project must submit a copy and explanation of the decommissioning plan.</p>
Subtotal	Total Score for Land Use Adders/Subtractors					Sum Points from Rows 13-24 (may not exceed 20 points)
Section Total 1	Total Score for Community Solar Facility Siting Criteria Including Adders/Subtractors					Sum Subtotal Above with Sum of Rows 1-12

Subscribers and Environmental Justice		Yes	No	Potential Points	Score	Additional Documentation Required to Receive Criteria Points
25	The project is a Low and Moderate Income project			10		The project must meet the definition in NJAC 14:8-9.8 for being a Low and Moderate Income Community Solar Project. If housing authority or master metered customer is being used to meet requirements on behalf of LMI residents, the size of the subscription for that customer is needed. Additionally, the affordable housing provider or master meter customer must attach a letter of intent that states specific, substantial, identifiable, and quantifiable long-term benefits from the community solar subscription will be passed through to their residents/tenants. Within 6 months of project operating the applicant must demonstrate that these customers have been subscribed. NOTE: A minimum of 40% of Program Year capacity will be allocated to LMI projects so meeting that threshold may override rankings based on scores alone.
26	The projects customers must come from the same county or same county and adjacent counties			2 to 5		The applicant must provide an attestation and draft marketing plan with their application and their disclosure form must include the counties to which initial project subscribers are restricted. 5 Points: Marketing plan shows strategy for subscribing 50%+ of initial customers from same county. 2 Points: Marketing plan shows strategy for subscribing 25%+ of initial customers from same county. Within 6 months of project operating the applicant must demonstrate that these customers have been subscribed.
27	The projects customers must come from the same municipality or adjacent municipalities			2 to 5		The applicant must provide an attestation and draft marketing plan with their application and their disclosure form must include the counties to which project subscribers are restricted. 5 Points: Marketing plan shows strategy for subscribing 50%+ of initial customers from same or municipality. 2 Points: Marketing plan shows strategy for subscribing 25%+ of initial customers from same municipality. Within 6 months of project operating the applicant must demonstrate that these customers have been subscribed.
28	Project is in same or adjacent county as area deemed to be an environmental justice area by DEP. Project has submitted a draft marketing plan demonstrating how subscribers in EJ areas will receive preferred status in subscribing to the program.			10		To receive full points, project must be in the same or adjacent county to DEP-designated environmental justice areas. Applicant must present a detailed draft marketing plan for outreach to subscribers who live in EJ areas and commit to >50% initial subscription by residents of EJ areas. Within 6 months of project operating the applicant must demonstrate that these customers have been subscribed.
Section Total 2	Total score for Subscribers and Environmental Justice Criteria					Sum Points from Rows 25-28; may not exceed 20 points

CCSA PROPOSED EVALUATION RUBRIC

	Communities	Yes	No	Potential Points	Score	Additional Documentation Required to Receive Criteria Points
29	The proposed community solar project is being developed in collaboration with the municipality in which the project is located			3		-Document multiple discussions with municipal officials Document commitment to local benefit through anchor offtake agreement - Provide letter of support from local official(s)
30	The proposed community solar project is being developed in collaboration with one or more local community organization(s)			3		Provide documentation describing the local community organization and collaboration effort. Community organization shall provide a support letter describing the benefits provided by the project. Contracts or Memorandums of Understanding on joint marketing and/or outreach efforts should be included
31	The proposed community solar project was developed, at least in part, through a community consultative process			2		Inclusion of plan for additional public meetings to engage municipality and community stakeholders OR evidence that the local government is unwilling to provide private company access to public space for private use but is nonetheless working in consultation with the developer
32	The project owner is a government and/or public and/or quasi-public entity, project owner is an affordable housing developer			2		The project owner listed in the Application and Certifications sections must be a government, public and/or quasi-public entity
33	The proposed project is being developed in partnership with a public housing entity			[1]		Include letter of intent from public agency or proof of selection in solicitation process or other selection process. Proof of participation in a solicitation is sufficient if projects have not been chosen by the public housing entity. This point cannot be combined with points for project being owned by public entity.
Section Total 3	Total Score for Communities Criteria					Sum Points from Rows 29-33

CCSA PROPOSED EVALUATION RUBRIC

	Grid Benefits	Yes	No	Potential Points	Score	Additional Documentation Required to Receive Criteria Points
34	The proposed project is part of a micro-grid project			5		Applicant must provide engineering drawings and interconnection application showing the project is part of a microgrid
35	The proposed community solar facility is paired with storage			5		Applicant must provide engineering drawings and interconnection application showing the project includes an integrated energy storage system.
Section total 4	Total score for Subscribers and Environmental Justice Criteria					Sum Points from Rows 34 and 35
	Total Points for All Project Criteria					Sum Section Totals 1-4
	NOTE: A minimum of 40% of Program Year capacity will be allocated to LMI projects so meeting that threshold may override rankings based on scores alone					

Community Solar Pilot Program Year 1 Evaluation Rubric

Instructions: Please complete the form below and submit it with the rest of your application. You will determine your project's score by selecting "Yes" or "No" for each Criteria and assigning the potential points to each criteria for which you answer "Yes". Sum each subsection (including the subsection for Adders/Subtractors for siting factors) to determine your project's score. Per NJAC 14:8-9 all projects will be ranked for selection by the board; this is the criteria that projects will be scored by for that ranking for the application period in Program Year 1, which runs from XXX, 2019 to XXX, 2019. Projects will only receive points for a criteria if they submit the required documentation for each criteria. In order to remain in the pilot program projects will need to document at commencement of construction and permission to operate proof that criteria has been met if it cannot be demonstrated at the time of application.

	Community Solar Facility Siting Criteria	Yes	No	Potential Points	Score	Additional Documentation Required to Receive Siting Criteria Points
1	The proposed community solar facility is located, in part or in whole, on a landfill			20		Must provide name of the the landfill, as identified in the NJDEP's database of New Jersey landfills, available at www.nj.gov/dep/dshw/lrm/landfill.htm Landfill must be properly closed for consideration in the program. Provide documentation of site control.
2	The proposed community solar facility is located, in part or in whole, on an Active, Pending, or Closed brownfield site listed at https://www.state.nj.us/dep/srp/kcsnj/			20		Must provide listing of the site, a final remediation document (if issued), and a copy of the Response Action Outcome ("RAO") issued by the LSRP or the No Further Action ("NFA") letter issued by the NJDEP. Provide documentation of site control.
3	The proposed community solar facility is located, in part or in whole, on an area of historic fill and the remedial investigation requirements pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-4.7 have been implemented			20		Attach a copy of the Response Action Outcome ("RAO") issued by a Licensed Site Remediation Professional ("LSRP") or the No Further Action ("NFA") letter issued by the NJDEP
4	The proposed community solar facility is located on a parking lot			20		Provide documentation of site control
5	The proposed facility is located on a parking deck			20		Provide documentation of site control
6	The proposed facility is located on a rooftop			20		Provide documentation of site control
7	The proposed facility is located on a public right-of-way			15		Provide documentation of site control
8	The proposed community solar facility is located on a canopy over an impervious surface (e.g. walkway)			15		Provide documentation of site control
9	The proposed community solar facility is located on the property of an affordable housing complex			15		Provide documentation of site control.
10	The proposed community solar facility is located on an area designated in need of redevelopment			15		Attach documentation from a municipal, county or state entity confirming the site has been designated in need of redevelopment. Provide documentation of site control.
11	The proposed community solar facility is located, in part or in whole, on land that has been actively devoted to agricultural or horticultural use and that is/has been valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L. 1964, c.48 (C. 54:4-23.1 et seq.) at any time within the ten year period prior to the date of submission of the Application			7		Siting on agricultural land is permitted but not preferred.

12	The proposed community solar facility is ground-mounted and located in part or in whole on land that has NOT been actively devoted to agricultural or horticultural use and that is/has been valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L. 1964, c.48 (C. 54:4-23.1 et seq.) at any time within the ten year period prior to the date of submission of the Application			10	With initial application: provide an attestation from the property owner that the land has not been used for agriculture in the past 10 years and/or had previous industrial or commercial use.
Project Siting Adders/Subtractors					
13	The proposed community solar facility is located a site designated as "preferred" in the NJ Department of Environmental Protection Solar Siting Analysis			5	With Initial Application: "Preferred Lands" as defined in the Solar Siting Analysis https://www.state.nj.us/dep/aqes/SSAFINAL.pdf
14	If the proposed community solar facility is located, in part or in whole, on forested lands, will construction of the proposed facility require clearing more than 25% of the area within the actual project boundary?			-2	With Initial Application: Project must submit annotated GIS map showing percent of project boundary that will be cleared.
15	The proposed community solar facility is located on land or a building owned or controlled by a government entity, including, but not limited to, a municipal, county, state, or federal entity			1	Proof of site filed to meet maturity requirements is sufficient to document that this project will be built on a government building
16	Soil Conservation - no removal of field soils; -existing leveled field areas left as-is without disturbance; -where soils must be leveled or smoothed, the overall impact will be minimized and all displaced soils returned to the areas affected; -ballasts, screw-type, or post-driven pilings and other acceptable minimal soil impact methods that do not require footings or other permanent foundations are required unless the need for alternatives can be demonstrated; -soil penetrations required for providing system foundations necessary for additional structural loading or for providing system trenching shall be done with minimal soils disturbance and any displaced soils to be recovered and returned after work is completed; -no concrete or asphalt in the mounting area other than ballasts or other code-required surfaces, such as transformer or electric gear pads; -installation may not disturb an existing soil and water conservation plan and should avoid creating a negative impact to soils and water conservation best management practices -limited use of geotextile fabrics; and -maintain vegetative cover to prevent soil erosion			2	With Initial Application: Project must submit narrative demonstrating that it will be constructed according to the identified standards At Mechanical Completion: Project must submit signature from a professional engineer certifying that its construction complied with all identified standards.
17	Storm water management plan: - Project incorporate swales or vegetative features required in locations that promote infiltration of stormwater, nutrient management, and otherwise help mitigate impacts to wetland resource areas			1	With Initial Application: Project must show it has applied for NPDES stormwater management permit. Project must provide a copy of their Stormwater Pollution Protection Plan (SWPPP) At Mechanical Completion: Project must submit signature from professional engineer that project construction complied with the SWPPP.

18	<p>Restoration or enhancement of native habitat:</p> <ul style="list-style-type: none"> - Border Areas: Promote wildlife habitat enhancements via felled trees, rock placements, bird boxes, and ecologically beneficial vegetative management strategies - Fence Line: Elevate fencing by 6" to promote the free movement of small wildlife - Habitat Fragmentation: Project avoids segmenting or otherwise promotes connectivity between forested habitats (e.g., through the use of conservation buffers or hedgerows) - Restoration of native habitat that can be demonstrated with certification by environmental engineer 			2	<p>With Initial Application: Project must submit narrative demonstrating that it will meet at least 2 of the 4 criteria. At Mechanical Completion: Project must submit signature from a professional engineer that at least 2 of the 4 criteria were met.</p>
19	<p>Pollination benefits:</p> <ul style="list-style-type: none"> - Project meets the Minnesota pollinator standard 			2	<p>With Initial Application: Project must submit Minnesota Solar Site Pollinator Habitat Assessment Form for Project Planning to demonstrate it will meet MN's pollinator standard http://www.bwsr.state.mn.us/practices/pollinator/project_planning_assessment_form.pdf At Mechanical Completion: Project must submit signature from a vegetation consultant that MN pollinator standards have been met.</p>
20	<p>Aesthetic Impact</p> <ul style="list-style-type: none"> - Use of native plants for landscaping and screening - Windbreaks or conservation buffers otherwise suitable or customary for farming activities shall be encouraged in locations with the potential for visual impacts (e.g. rural residential zones) See USDA Conservation Buffer Design Guideline for guidance - Limit grubbing of sub-soil root system only to areas proposed to host the array (i.e. within the fence line) - A portion of trees cut from around the project footprint to be felled in place and left to decompose 			2	<p>With Initial Application: Project must meet 2 of the 4 criteria to receive points for this category. Project must submit landscaping plan and view shed analysis to demonstrate minimal aesthetic impact.</p>
21	<p>Project sited on Subprime or "Marginal" Farmland</p> <ul style="list-style-type: none"> - Subprime Farmland is land not currently in cultivation but has potential and the soil types align with farming as a use; - Previously Disturbed Land (i.e., "Marginal Land") is land with pre-existing paving, construction or altered landscapes and soil types that align with farming as a use. 			2	<p>With Initial Application: Project must submit documentation demonstrating that it is sited on land that is Subprime Farmland or Previously Disturbed Land.</p>
22	<p>Project Enables the Increase of Agricultural Output</p> <ul style="list-style-type: none"> - Provide farming plan that promotes or otherwise ensures the continued agriculture use of land adjacent to, underneath or around the array; - Project has documented institutional partnerships and is done in consultation with or with the on-going involvement of an agricultural school in New Jersey that has an on-going research or vocational development effort specifically targeted to dual-use solar projects. 			2	<p>With Initial Application: Project must provide farming plan outlining how the project will lead to increased agricultural output.</p>

23	Project has documented institutional partnerships and is done in consultation with or with the on-going involvement of an agribultural school in New Jersey that has an on-going research or vocational development effort specifically targetted to dual-use solar projects.			1		With Initial Application: Project must provide a letter outlining the insitutional partnership.
24	A decommissioning plan has been designed for the proposed community solar facility, and all due measures have been or will be enacted to implement this decommissioning plan.			1		With Initial Application: Project must submit a copy and explanation of the decommissioning plan.
Subtotal	Total Score for Land Use Adders/Subtractors					Sum Points from Rows 13-24 (may not exceed 20 points)
Section Total 1	Total Score for Community Solar Facility Siting Criteria Including Adders/Subtractors					Sum Subtotal Above with Sum of Rows 1-12
	Subscribers and Environmental Justice	Yes	No	Potential Points	Score	Additional Documentation Required to Receive Criteria Points
25	The project is a Low and Moderate Income project			10		The project must meet the definition in NJAC 14:8-9.8 for being a Low and Moderate Income Community Solar Project. If housing authority or master metered customer is being used to meet requirements on behalf of LMI residents, the size of the subscription for that customer is needed, Additionally, the affordable housing provider or master meter customer must attach a letter of intent that states specific, substantial, identifiable, and quantifiable long-term benefits from the community solar subscription will be passed through to their residents/tenants. Within 6 months of project operating the applicant must demonstrate that these customers have been subscribed. NOTE: A minimum of 40% of Program Year capacity will be allocated to LMI projects so meeting that threshold may override rankings based on scores alone.
26	The projects customers must come from the same county or same county and adjacent counties			2 to 5		The applicant must provide an attestation and draft marketing plan with their application and their disclosure form must include the counties to which initial project subscribers are restricted. 5 Points: Marking plan shows strategy for subscribing 50%+ of initial customers from same county. 2 Points: Marketing plan shows strategy for subscribing 25%+ of initial customers from same county. Within 6 months of project operating the applicant must demonstrate that these customers have been subscribed.

27	The projects customers must come from the same municipality or adjacent municipalities			2 to 5		<p>The applicant must provide an attestation and draft marketing plan with their application and their disclosure form must include the counties to which project subscribers are restricted.</p> <p>5 Points: Marketing plan shows strategy for subscribing 50%+ of initial customers from same or municipality.</p> <p>2 Points: Marketing plan shows strategy for subscribing 25%+ of initial customers from same municipality.</p> <p>Within 6 months of project operating the applicant must demonstrate that these customers have been subscribed.</p> <p>Points can not be earned for being in the same county (item 26) if the project is electing this same or adjacent county</p>
28	Project is in same or adjacent county as area deemed to be an environmental justice area by DEP. Project has submitted a draft marketing plan demonstrating how subscribers in EJ areas will receive preferred status in subscribing to the program.			10		<p>To receive full points, project must be in the same or adjacent county to DEP-designated environmental justice areas. Applicant must present a detailed draft marketing plan for outreach to subscribers who live in EJ areas and commit to >50% initial subscription by residents of EJ areas. Within 6 months of project operating the applicant must demonstrate that these customers have been subscribed.</p>
Section Total 2	Total score for Subscribers and Environmental Justice Criteria					Sum Points from Rows 25-28; may not exceed 20 points
	Communities	Yes	No	Potential Points	Score	Additional Documentation Required to Receive Criteria Points
29	The proposed community solar project is being developed in collaboration with the municipality in which the project is located			3		<p>-Document multiple discussions with municipal officials</p> <p>Document commitment to local benefit through anchor offtake agreement</p> <p>- Provide letter of support from local official(s)</p>
30	The proposed community solar project is being developed in collaboration with one or more local community organization(s)			3		<p>Provide documentation describing the local community organization and collaboration effort. Community organization shall provide a support letter describing the benefits provided by the project. Contracts or Memorandums of Understanding on joint marketing and/or outreach efforts should be included</p>
31	The proposed community solar project was developed, at least in part, through a community consultative process			2		<p>Inclusion of plan for additional public meetings to engage municipality and community stakeholders OR evidence that the local government is unwilling to provide private company access to public space for private use but is nonetheless working in consultation with the developer</p>

32	The project owner is a government and/or public and/or quasi-public entity, project owner is an affordable housing developer			2		The project owner listed in the Application and Certifications sections must be a government, public and/or quasi-public entity
33	The proposed project is being developed in partnership with a public housing entity			[1]		Include letter of intent from public agency or proof of selection in solicitation process or other selection process. Proof of participation in a solicitation is sufficient if projects have not been chosen by the public housing entity. This point cannot be combined with points for project being owned by public entity.
Section Total 3	Total Score for Communities Criteria					Sum Points from Rows 29-33
	Grid Benefits	Yes	No	Potential Points	Score	Additional Documentation Required to Receive Criteria Points
34	The proposed project is part of a micro-grid project			5		Applicant must provide engineering drawings and interconnection application showing the project is part of a microgrid
35	The proposed community solar facility is paired with storage			5		Applicant must provide engineering drawings and interconnectin application showing the project includes an integrated energy storage system.
Section total 4	Total score for Subscribers and Environmental Justice Criteria					Sum Points from Rows 34 and 35
	Total Points for All Project Criteria					Sum Section Totals 1-4
	NOTE: A minimum of 40% of Program Year capacity will be allocated to LMI projects so meeting that threshold may override rankings based on scores alone					

VII. Community Solar Facility Siting

1. The Applicant has completed the NJDEP Permit Readiness Checklist, and submitted it to the NJDEP's Office of Permit Coordination and Environmental Review ("PCER") Yes No

2. If "Yes", the Applicant must attach a copy of the completed Permit Readiness Checklist that was submitted to the NJDEP PCER. Note that an Application will be deemed incomplete if it

3. The Applicant has met with, or is scheduled to meet with, the NJDEP's Office of Permit Coordination and Environmental Review ("PCER") Yes No

4. If "Yes", the Applicant must attach a proof of a meeting, or scheduled meeting, with the NJDEP PCER. Note that an Application will be deemed incomplete if it does not include

5. The proposed community solar facility is located, in part or in whole, on preserved farmland, as defined in N.J.A.C. 14:8-9.2 Yes No

*Preserved farmland is defined in N.J.A.C. 14:8-9.2 as land from which a permanent development easement was conveyed and a deed of easement was recorded with the county clerk's office pursuant to N.J.S.A. 4:1C-11 et seq.; land subject to a farmland preservation program agreement recorded with the county clerk's office pursuant to N.J.S.A. 4:1C-24; land

4. The proposed community solar facility is located, in part or in whole, on Green Acres preserved open space, as defined in N.J.A.C. 14:8-9.2, or on land owned by the New Jersey Department of Environmental Protection for the site to host a community solar facility.

*Green Acres preserved open space is defined in N.J.A.C. 14:8-9.2 as land classified as either "funded parkland" or "unfunded parkland" under N.J.A.C. 7:36, or land purchased by the State

1. The proposed community solar facility is located, in part or in whole, on land that has been actively devoted to agricultural or horticultural use and that is/has been valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L. 1964, c.48 (C. 54:4-23.1 et seq.)

2. The proposed community solar facility is located, in part or in whole, on a landfill Yes No

No Name of the landfill, as identified in the NJDEP's database of New Jersey landfills, available

3. The proposed community solar facility is located, in part or in whole, on a brownfield Yes No

4. If "Yes", Has a final remediation document been issued for the property? Yes No
If "Yes", attach a copy of the Response Action Outcome ("RAO") issued by the LSRP or the No Further Action ("NEA") letter issued by the NJDEP.

6. The proposed community solar facility is located, in part or in whole, on an area of historic fill Yes No

7. If "Yes", have the remedial investigation requirements pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-4.7 been implemented?

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Has the remediation of the historic fill been completed pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.4? Yes No

If the remediation of the historic fill has been completed, attach a copy of the Response Action Outcome ("RAO") issued by a Licensed Site Remediation Professional ("LSRP") or the No

1. The proposed community solar facility is located on a parking lot Yes No

2. The proposed community solar facility is located on a parking deck Yes No

3. The proposed community solar facility is located on a rooftop Yes No

4. The proposed community solar facility is located on a right-of-way Yes No

5. The proposed community solar facility is located on a canopy over an impervious surface (e.g. walkway) Yes No

6. The proposed community solar facility is located on the property of an affordable housing complex Yes No

7. The proposed community solar facility is located on an area designated in need of redevelopment Yes No
 8. If "Yes", attach proof of the designation of the area as being in need of redevelopment from a municipal, county, or state entity.
9. The proposed community solar facility is located a site designated as "preferred" in the NJ Department of Environmental Protection Solar Siting Analysis Yes No
10. The proposed community solar facility is located on land or a building that is preserved by a municipal, county, state, or federal entity Yes No
 11. If "Yes", attach proof of the designation of the area as "preserved" from a municipal, county, or state entity.
12. The proposed community solar facility is located, in part or in whole, on forested lands Yes No
 Construction of the proposed community solar facility will require cutting down one or more If "Yes", estimated number of trees required to be cut for construction: _____

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1. The proposed community solar facility is located on land or a building owned or controlled by a government entity, including, but not limited to, a municipal, county, state, or federal entity
2. Are there any use restrictions at the site? Yes No
 3. If "Yes", explain the use restriction below and provide documentation that the proposed solar use restriction is required to be imposed? Yes No
 If "Yes" explain the modification below.
1. What permits and/or approvals, if any, have been received from the NJDEP (i.e. Land Use, Air Quality, NJDES, etc.) directly related to the installation and operation of the solar facility on this

Permit Description

22. What other permits and/or approvals, if any, have been received from the NJDEP (i.e. Land Use, Air Quality, NJDES, etc.) for the property? Please list all permits and/or approvals and

Permit Description

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1. The proposed community solar facility has been specifically designed or planned to preserve or enhance the site (e.g. landscaping, land enhancements, pollution benefits, storm water management, etc.)
2. If "Yes", explain below, and provide any additional documentation in an attachment.
3. A decommissioning plan has been designed for the proposed community solar facility, and all due measures have been or will be enacted to implement this decommissioning plan.
4. If "Yes", attach a copy and/or explanation of the decommissioning plan.

VIII. Community Solar Subscriptions and Subscribers

1. Estimated or Anticipated Number of Subscribers: _____
2. Estimated or Anticipated Breakdown of Subscribers (as a numeric value and/or percentage).
 Residential: _____ Commercial: _____
 Industrial: _____ Other: _____
3. The proposed community solar project is an LMI project Yes No
 No Estimated or Anticipated Percentage of LMI Subscribers:
4. The proposed community solar project is being developed in partnership with an affordable housing provider: Yes No

Permit Number	Date Permit Issued	Copy Attached
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

Permit Number	Date Permit Issued	Copy Attached
		<input type="checkbox"/> Yes <input type="checkbox"/> No

		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

		<input type="checkbox"/> Yes <input type="checkbox"/> No
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From: [Nick Homyak](#)
To: communitysolar@njcleanenergy.com
Cc: [Zachary Cole](#); [Wilma Frey](#)
Subject: Comments Solar Clean..
Date: Thursday, December 20, 2018 8:38:11 AM

Ada Camacho-Welch, Secretary
New Jersey Board of Public Utilities
Post Office Box 350
Trenton, New Jersey 08625

Please consider the following comments and suggestions. It is obvious that good government is the remedy for this needed transition to be meaningful on a scale where it matters and especially to curtail and eliminate the fossil fuel continuation and its cumulative effects. It is also obvious that public buildings rooftops are the perfect candidates along with brown field for solar panel installation for the transitions. This whole process must be in complete respect to the science of protecting environmentally sensitive and scenic landscapes.

Living in Parsippany NJ which is 100% in the Highlands Planning Area and in support of our local master plan community and environmental values ask the following for your concurrence below:

- . In the Highlands Preservation Area, delineated by the Highlands Act, community solar projects should be restricted to Redevelopment Areas approved by the NJDEP and the Highlands Council, as per the DEP Highlands Rules.
2. In the Highlands Planning Area, delineated by the Highlands Act, proposed community solar projects may be considered and evaluated in the Existing Community Zone and the Conservation Zone, as identified in the Highlands Regional Master Plan (RMP).
3. In the Planning Area, community solar projects should not be allowed in the following areas identified in the Highlands Regional Master Plan:
 - A. The Protection Zone;
 - B. The Environmentally Constrained Existing Community Zone;
 - C. The Environmentally Constrained Conservation Zone;
 - D. The Lake Management Zone;
 - E. The Conservation Priority Area;
 - F. The Agricultural Resource Area;
 - G. The Highlands' Special Environmental Zone, and other natural lands, historic sites or historic structures identified for resource protection or preservation.
4. We suggest that the Board issue an additional guidance document describing appropriate and acceptable siting. We further urge that the proposed siting restrictions described above be incorporated into such a document.

Thank you for your consideration of our comments. In complete agreement with Highlands Protections and values and the work here in part from Advocate Wilma Frey. NJ Land Conservancy.

Sincerely,
Nicholas R Homyak
26 Oneida Ave

Lake Hiawatha NJ 07034
Highlands Advocate
Volunteer National Parks DEWA
NJNY Trail Conference



December 20, 2018

Aida Camacho-Welch
Secretary
New Jersey Board of Public Utilities
Post Office Box 350
Trenton, NJ 08625

RE: Comments Regarding Draft Community Solar Energy Pilot Program Forms

Submitted via Email to communitysolar@njcleanenergy.com

Please accept our comments regarding the Community Solar Energy Pilot Program Forms as requested in the Notice for Docket No. QO18060646.

Draft Community Solar Energy Pilot Program Application Form:

1. How long should the Application Period be open for? 60 – 90 days
2. Should all permits be required to be obtained prior to submitting an application to the Board? No
3. Should the interconnection approval be obtained prior to submitting an application to the Board?

No. Proof of submission for interconnection would be preferred. Approvals in advance should not be allowed in order to provide a level playing field for all applicants.

4. Should the BPU issue additional guidance documents? If yes, what should they contain?

Yes, they should include:

- A detailed procedure on how the application process should be handled.
- Define the Application Period. Is it a rolling application/open window accepting all applications and then once closed the scoring of the criteria begins?
- Heat/capacity maps should be available in each utility territory to assist developers in their pre-screening of projects.



- Provide a process and procedure to reassign the project from one owner to another and/or one subscriber organization to another in the event of a sale of the project or need to have another SO manage the project.
 - The BPU should post the final list of all accepted projects, their size, type and score.
 - Provide guidance on the requirements to file for an operation deadline extension.
 - Provide guidance on the requirements to file for a construction extension.
5. Please comment on the draft criteria and weighting:
- We recommend the BPU add to the criteria for scoring a 'business readiness' component, allowing higher credit for developers with prior experience in solar in general and community solar specifically.
 - Add credit for EV charging stations, which is not listed under "Other Benefits"
6. How can the BPU best assist projects planning to apply to the Community Solar Energy Pilot Program?
- We request the BPU allow electronic submissions of applications instead of nine paper copies, mailed to the office.
7. Is there anything missing from the Application Form?
- The criteria for scoring a 'business readiness' component, allowing higher credit for developers with prior experience in solar in general and community solar specifically.

Draft Community Solar Subscriber Organization Registration Form:

Should the Registration Form more closely resemble the existing Registration Form for Third Party Suppliers (available here)? No comments.

Draft Community Solar Subscriber Disclosure Form:

Is the draft Disclosure Form missing elements or too long? No comments.

**Environmental Defense Fund – Natural Resources Defense Council – NJ Conservation
Foundation – NJ League of Conservation Voters – Pinelands Preservation Alliance
The Nature Conservancy – The Watershed Institute**

December 21, 2018

Ada Camacho-Welch, Secretary
New Jersey Board of Public Utilities,
Post Office Box 350
Trenton, New Jersey 08625
communitysolar@njcleanenergy.com

**BPU Docket No. QO18060646, New Jersey Community Solar Energy Pilot Program, Draft
Community Solar Energy Pilot Program Application Form**

Dear Secretary Camacho-Welch:

We, the undersigned organizations, support the development of appropriately-sited community solar to advance clean energy and provide greater access to solar energy for residents and communities that have generally lacked access to solar energy. We support NJ DEP's updated solar siting guidelines that identified rooftops, brownfields, landfills and areas with existing impervious coverage that are generally urban, commercial or residential areas, as the preferred locations for community solar projects. We believe that additional sites appropriate for solar development beyond these locations may be identified with careful analysis and guidelines.

While we appreciate and support the BPU's efforts to engage low-to-moderate income customers and to maximize the benefits community solar can bring to environmentally disadvantaged communities as evidenced by the Community Solar Draft Application, we are concerned that it does not provide sufficient protection for lands that New Jersey has identified as having significant values that require preservation through acquisition or conservation easements, as well as through regional planning protections: our remaining open spaces, especially forests, which sequester carbon and provide clean water, scenic beauty, wildlife habitat and outdoor recreation, as well as certain farmlands.

Our specific recommendations, modifications or additions to the Draft Community Solar Energy Pilot Program Application Form are detailed below.

Section A. I. – Minimum Qualification Requirements

Item 3 states that “The Board will not consider Applications for projects sited on preserved farmland, as defined in N.J.A.C. 14:8-9.2.” ***In addition to this requirement, we urge that similarly, the Board should “not consider Applications for projects on State, county, municipal or nonprofit Green Acres lands, as defined in N.J.A.C. 14:8-9.2 or on land owned by the DEP” except for projects entirely located on parking lots or structures on the site, and subject to the approval of NJ DEP.***

Appendix B: Evaluation Criteria (pg. 22)

With respect to the siting criteria identified, we support the locations identified as “higher preference” including landfills, brownfields, areas of historic fill, rooftops, parking lots and parking decks. These locations should be given the maximum points allowable. We urge the BPU to adopt strong incentives and other policies in order to encourage solar in these locations. Community solar projects located on already disturbed lands in Environmental Justice Communities should be included in the “higher preference” category, as promoted by the NJ Environmental Justice Alliance.

Regarding areas identified as “not preferred”, preserved lands should be prohibited as noted above, rather than “not preferred”. Regulated wetlands and their buffers should also be prohibited rather than “not preferred”. We support the inclusion of forested areas and farmland as “not preferred” locations. In addition, there should be a prohibition on clearing more than ½ acre of forest for solar development to prevent the loss of carbon sequestration and other ecosystem services provided by forests. The “not preferred” locations should receive zero points to clearly penalize them relative to the “higher preference” locations.

Additional “not preferred” locations should be identified including critical wildlife habitat as determined by the NJ Landscape Project, 100-year floodplains, riparian buffers, State Natural Heritage Priority Sites, and sensitive lands as delineated in the NJ Highlands Water Protection and Planning Act, the NJ DEP Highlands Rules, the Highlands Regional Master Plan, the State Plan and other regional plans including those pertaining to the Pinelands, Meadowlands and emerging plans for the Delaware Bayshore, Sourlands and the coast.

We believe that there is an opportunity to identify additional locations appropriate for solar development to be included under the category of “medium preference”. The draft rule for the Community Solar Pilot Program stated a goal of identifying “marginal” lands that may be appropriate locations for solar development. We recommend that the Board consult with the NJ DEP, State Agricultural Development Committee and stakeholders to identify such lands.

The siting of community solar and solar in general is of extreme importance to the health of our state. Therefore, ***the final application should provide more weight for appropriate siting, totaling at least 40 points out of the proposed 100 points total.*** Otherwise a project in a “not

preferred” location could still receive 80 points, be approved, and result in poorly-sited solar development that undermines New Jersey’s longstanding open space, farmland and natural resource protection efforts.

Thank you for your consideration of our comments.

Sincerely,

Mary Barber
Environmental Defense Fund

Thomas Gilbert
NJ Conservation Foundation

Michael Pisauro
The Watershed Institute

Ed Potosnak
NJ League of Conservation Voters

Jaclyn Rhoads
Pinelands Preservation Alliance

Ada Statler
Natural Resources Defense Council

Tom Wells
The Nature Conservancy

**COMMENTS ON THE BOARD OF PUBLIC UTILITIES’
PROPOSED COMMUNITY SOLAR ENERGY PILOT PROGRAM PROPOSED FORMS
Submitted by DeCotiis, FitzPatrick, Cole & Giblin, LLP
December 6, 2018**

DeCotiis is providing the following comments on behalf of its client the Atlantic City Municipal Utilities Authority concerning the Board of Public Utilities’ (“BPU”) proposed Community Solar Energy Pilot Program Application Form. We believe the comments below will ensure that the benefits of the Pilot Program will be shared among the greatest number of low and moderate income consumers across the State.

Comment 1 – Section IV – Important Terms and Conditions –

We request that the BPU modify Term/Condition 10 on Page 3 of 22 of the Application to address the timeframes associated with the initiation and completion of construction of a community solar project when the project is hosted by a government entity. Government entities must publicly procure solar developers to finance, design, own and operate community solar projects on lands and facilities owned by said government entity. Depending upon the type of government entity host and the type of site involved, the Local Public Contracts Law, the Schools Contracts Law, the Local Lands and Buildings Law, and the Local Redevelopment and Housing Law can apply. Each of these laws require government hosts to undertake various processes, including public procurement, contracting and designations of a redeveloper, prior to selecting a solar developer. These processes can take up to 4-9 months to complete. In recognition of the applicability of these legal process requirements to government hosts, we respectfully request that the BPU extend the timeframes included in Term/Condition 10 for community solar projects hosted on government property to one year for the initiation of construction and thirty (30) months for the completion of construction.

Comment 2 – Appendix B – Evaluation Criteria – Siting:

We request that BPU add potable water supply reservoirs, with approval of the New Jersey Department of Environmental Protection, as a type solar site location that should receive “higher preference”. Potable water supply reservoirs often encompass large areas with direct sun exposure and can present ideal opportunities for floating solar development. The irregular shape of the shore line of some reservoirs can provide opportunities to conceal multiple megawatts of solar installation. Although not common in New Jersey, floating solar can be found in many locations across the United States.

Installing floating solar can assist in avoiding or reducing impacts natural resources that can result from certain land-based installations. In addition, floating solar can offer benefits to reservoir operations by providing shading and reducing evaporation.

In the case of Atlantic City Municipal Utilities Authority (“ACMUA”), its reservoirs offer a tremendous opportunity for the construction of several megawatts of community solar. A floating solar project

constructed on the ACMUA's reservoirs would be in close proximity to the communities of Pleasantville and Atlantic City. Residents and housing authorities from these communities present a large potential customer pool that could enjoy low-cost renewable energy derived from such a project.

Comment 3 – Appendix B – Evaluation Criteria –

We request that the BPU include a new category that addresses type of entity hosting the solar project. Specifically, government hosts, typically the owners and operators of reservoirs, landfills and brownfields, should receive a higher number of points than private land owner hosts. Given the direct tie between Government hosts and residents and customers of said hosts, government hosts are more inclined to procure and administer a community solar project in a manner that will ensure the greatest opportunity for residents and customers that may receive low-cost power from said projects.

Thank you for considering these comments.

DeCotiis, FitzPatrick, Cole & Giblin, LLP

Ryan J. Scerbo, Esq.

Gabel Associates
Comments on BPU Draft Application Package
Docket No. QO 18060646

I. Background: Gabel Associates appreciates the opportunity to comment on the BPU’s draft application for a Community Solar Project, pursuant to the notice issued on November 28, 2018. Gabel Associates has been a participant in the process and has filed comments during the BPU’s development of the rule and on the BPU’s proposed Community Solar rule.

Gabel Associates’ comments have been centered on proposing modifications to the BPU’s rule to permit an alternative structure (“Municipal LMI Approach”) for Community Solar, one which focuses on developing Community Solar Project composed entirely of low and moderate income (LMI) customers, a key target group of the BPU’s Community Solar Project. For your convenience a copy of our previous submission is attached.

II. Comments: The draft Application Package should be amended to allow the Municipal LMI Approach to fairly and fully participate in the competitive application process. As drafted, the application package would prevent the Municipal LMI Approach from participating. The limitations of the draft application that should be addressed are described below.

- a. Issue: The draft proposal application package is “solar vendor centric”. It requires a specific solar project (location, size, etc.) to be submitted in the application. The specific solar project identified in the application is then subject to evaluation by the BPU.

Proposed solution: The alternative Municipal LMI Approach proposed by Gabel is, instead, “municipality/customer centric”. Under this approach a municipality will undertake a competitive procurement process to award a contract to the solar development project in the utility territory which can best serve its residents, including using competition to get the best pricing for customers and offer protections afforded by public procurement law and municipal oversight. Under this approach, the specific solar project will not be known at the time the application is filed with the BPU; accordingly, the requirements in the draft application package to disclose and explain a specific project should be relaxed for proposals using the Municipal LMI Approach.

- b. Issue: The draft application package as currently written would result in the “Municipal LMI Approach” being deemed unqualified.

Proposed solution: Gabel Associates recommends that the application package be expanded to permit the Municipal LMI Approach to be included to the BPU competitive application process. To be clear, Gabel is not proposing that the “solar vendor centric” structure be prevented from applying. We are suggesting the application package be made more permissive to permit the Municipal LMI Approach to also be proposed to, and fairly evaluated by the BPU. Notably, the Municipal LMI Approach will allow New Jersey to meet and exceed its LMI goals.

The Municipal LMI Approach will use the Program to serve only LMI customers. Serving LMI customers is a policy priority of the Murphy Administration. While other community solar proposals’ approaches in New Jersey and around the country have struggled to serve LMI, the approach put forth by Gabel is intended to address this key sector. Accordingly, the application package should be adjusted to permit Municipal LMI programs to propose and participate.

III. Specific comments and suggested amendments relative to the Municipal LMI Approach

- a) An application using the Municipal LMI Approach should not be required to fill out the parts of the draft application which pertain to a specific solar project, instead such applicants should be permitted to indicate that the project, its site, its pricing, and the other terms will be determined through a public procurement process to be conducted by the municipality. After such process the municipality will file information with the BPU explaining the project, and its site.
- b) Item IV. Important Terms and Conditions (10) in the draft Application Package should be amended to permit a Project to commence construction in up to one year after BPU approval and operation within thirty months instead of the current proposed timeframe of construction within six months of BPU approval and full operation within twelve months. This is because municipally-based projects require procurement in accordance with Local Public Contract Law, which has significant notice and procedural requirements. An increased time frame of one year and 30 months will more realistically and accurately reflect the schedule associated with solar project development.
- c) Municipalities (or their designated agent) should be permitted to file applications without certain sections (including clarification to Section A Term IV (1.) and Section B I, II, III, IV, VI, VII, VIII (9), X, (4), (5), and XI in the draft application package).
- d) Section A: Application Form Requirements, Instructions, Terms and Conditions, in “III. Special Considerations for Project Siting” should not be required. This would allow for the process contemplated by the Municipal LMI Approach in which the municipality requests proposals from solar developers to design, build, and operate the site. In this process, the municipality will either request the proposal assigned to a specific site and/or allow the developers to propose their own site. At such time, the site will be appropriately permitted.
- e) Section A: Application Form Requirements, Instructions, Terms and Conditions, in subsection 1 of Section “IV. Important Terms and Conditions”, the definition of Applicant should be amended to include municipalities.
- f) Section B: Community Solar Energy Project Description, “I. Applicant Contact Information” should include an option for an applicant that is a municipality.
- g) Section B: Community Solar Energy Project Description, “III. Property/Site Owner Information” should not be a required section so that municipalities have the option to issue RFPs for solar developers to provide solar energy. Upon the award of the contract, all requested information will be made available.
- h) Section B: Community Solar Energy Project Description, “IV. Community Solar Facility Contractor/Installer/Developer” should not be a required section so that municipalities have the option to issue RFPs for solar developers to provide solar energy. Upon the award of the contract, all requested information will be made available.
- i) Section B: Community Solar Energy Project Description, “VI. Proposed Community Solar Facility Characteristics” should not be a required section so that municipalities have the option to issue RFPs

for solar developers to provide solar energy. Upon the award of the contract, all requested information will be made available.

- j) Section B: Community Solar Energy Project Description, “VII. Community Solar Facility Siting” should not be a required section so that municipalities have the option to issue RFPs for solar developers to provide solar energy. Upon the award of the contract, all requested information will be made available.
- k) The Project Installer/Developer Certificate (p.17), Project Owner Certificate (p.18), The Project Owner Certificate (p.19), and Section D Appendix A (p.21) in their entirety are inapplicable and shouldn’t be required as this information will be determined after an open and competitive process conducted by the municipality.
- l) The Evaluation Criteria (Appendix B p.21) should be amended to more accurately reflect the primary goal of the Community Solar Pilot Program to deliver the benefits of solar energy to low and moderate income residents.
 - i. The “Subscriber and Environmental Justice” category should be valued more than 20 points, as serving LMI and environmental justice are key priorities of the Community Solar policy and 20 points does not adequately weigh this criterion. These criteria should be re-set from maximum points of 20 to maximum points of 45. Additionally, the wording of the description of “Subscriber and Environmental Justice” should be amended to read, “Higher preference: LMI project (with greater preference for a higher proportion of LMI) and more than 50% kWh assigned to residential subscribers, in environmentally disadvantaged community (as defined by DEP)” (underlined shows addition).
 - ii. The “Cost” category should be removed as the cost of the project is not relevant; the cost to serve customers (i.e., pricing of the project) is relevant and reflected in the “Project Offering” criterium.
 - iii. The “Community and Environmental Justice Engagement” category should be increased to 20 points to reflect the importance of working with the communities that the Community Solar Pilot Program aims to serve to ensure that the affected residents are educated on the effect of the solar project on their energy savings. Additionally, the description of “Community and Environmental Justice Engagement” should be amended to add municipal program to the higher preference category.
 - iv. “Geographic Limit” should be removed as a criterium because, in accordance with the rulemaking, the only geographic limit of a Community Solar Project is that it is located within the subscribers’ EDC territory, and there is no added value relative to the exact location of the project within that area.
 - v. The description of the “Project Maturity” category should be amended to include as a measure of project maturity “municipal resolution enacted to develop Community Solar Project” to reflect the significant step of municipal approval of a project.

Based on these suggestions, the proposed amended version of Appendix B is found below:

Evaluation Criteria	Max. Points
<p>Siting Higher preference: landfills, brownfields, areas of historic fill, rooftops, parking lots, parking decks Medium preference: rights-of-way, canopies over impervious surfaces (e.g. walkway), areas designated in need of redevelopment Not preferred: preserved land, wetlands, forested area, farmland Bonus points for: landscaping, land enhancement, pollination support, storm water management, decommissioning plan</p>	15
<p>Subscribers and Environmental Justice Higher preference: LMI project (with greater preference for a higher proportion of LMI), and more than 50% kWh assigned to residential subscribers, in environmentally disadvantaged community (as defined by DEP)</p>	45
<p>Product Offering Higher preference: guaranteed savings >10%, flexible terms Medium preference: guaranteed savings >5% Not preferred: no Guaranteed savings</p>	10
<p>Community and Environmental Justice Engagement Higher preference: partnership with municipality, municipal program, partnership with local community organization(s), partnership with partnership with affordable housing provider, provides local jobs/job training Medium preference: letter of support from municipality, project owner is a government and/or public and/or quasi-public entity, project owner is an affordable housing developer</p>	20
<p>Other Benefits Paired with storage, micro-grid project, energy audit, EE measures</p>	5
<p>Project Maturity Higher preference: EDC feasibility study received, permits received, site control received, or municipal resolution enacted to develop Community Solar Project Medium preference: EDC feasibility study applied for, permits applied for, conditional site control</p>	5

m) The New Jersey Community Solar Disclaimer Form should be amended to state that such document will not be a “contract” as defined by law for Municipal/LMI programs, since the program design is a municipal opt-out program and is governed by other contracts and customer protections. Instead, this document will be a disclosure form provided to all participants.

We appreciate the opportunity to provide these comments for your consideration and look forward to the opportunity to showcase an innovative model on how to serve LMI customers through Community Solar.

New Jersey Environmental Justice Alliance
315 W. State Street
Trenton, NJ 08618

December 21, 2018

Aida Camacho-Welch
Secretary, New Jersey Board of Public Utilities
44 South Clinton Avenue, Third Floor,
Site 314, CN 350
Trenton, New Jersey 08625

Dear Ms. Camacho-Welch:

The New Jersey Environmental Justice Alliance¹ (NJEJA) would like to submit the following comments on the draft project application form for the New Jersey Community Solar Energy Pilot Program (Docket No. QO18060646). Comments and recommendations are provided for section VIII, section IX and the evaluation criteria section of the application form.²

Section VIII. Community Solar Subscriptions and Subscribers

*Question #8:*³ NJEJA questions whether the geographic restrictions included in this question (entire EDC service area; county or county and adjacent counties; municipality or municipality and adjacent municipalities) are intended to impose geographic boundaries on projects or just reflect boundaries that the project developer has chosen. In either case, it would be advisable to include a geographic restriction that is smaller than a municipality and that would be intended to reflect a neighborhood level geographic area. It is understood that a neighborhood can be difficult to define geographically, but including a restriction that consists of the census tract in which the project is located and contiguous census tracts could allow a project developer who wants the project to be part of some type of neighborhood or community-based effort to more easily achieve that goal than having a municipality as the smallest geographic restriction. Similarly, BPU could consider having the smaller geographic unit consist of the zip code in which the project is located along with all contiguous zip codes.

¹ The NJEJA mission statement reads as follows: “The New Jersey Environmental Justice Alliance is an alliance of New Jersey-based organizations and individuals working together to identify, prevent, and reduce and/or eliminate environmental injustices that exist in communities of color and low-income communities. NJEJA will support community efforts to remediate and rebuild impacted neighborhoods, using the community’s vision of improvement, through education, advocacy, the review and promulgation of public policies, training, and through organizing and technical assistance.”

² NJEJA thanks Molly Greenberg of the New School and NJEJA for contributing ideas to these comments and helping to edit and proofread them.

³ Board of Public Utilities, New Jersey Community Solar Energy Pilot Program Proposed Application Form, Docket No. QO18060646, at 11 (2018).

Section IX of the Application Form: Community Engagement

This section would be helped if several additional questions were added. These additional questions should include establishing if the project: is linked to the local public-school system in a way that provides educational opportunities in the energy field for local youths, provides a path to ownership for local residents,⁴ provides training in energy entrepreneurship and will be located in an environmental justice (EJ) community (community Of Color or low-income community). An additional question regarding community participation in the project during its implementation and operation is also warranted and a reference to community planning and engagement in the existing question #3⁵ on “community consultation” would make that question more robust (see sample question #5 below). NJEJA applauds the fact that the proposed application form not only contains the above referenced question on community engagement (consultation) but also a question on local hiring and job creation.⁶ However, the question on job creation would benefit from a revision that makes it clear that the jobs created should be “quality” jobs and also requires the developer to indicate what steps will be taken to ensure that local residents will have access to the jobs (see sample question #7 below).⁷ All of these topics were mentioned in previous comments submitted by NJEJA.⁸ Examples of questions on these topics follow:

- 1) The proposed community solar project will be linked to the local school system in a way that provides an opportunity for students to learn about the growing field of energy production and consumption.*
- 2) The proposed community solar project will provide a pathway for local residents to gain a share of ownership in the project.*
- 3) The proposed community solar project will provide energy entrepreneurship training or education to local residents who desire it.*
- 4) The proposed community solar project will be located in a community in which the percentage of Of Color or low-income residents is greater than the percentages of Of Color or low-income residents in the entire state.⁹*

⁴ NJEJA acknowledges that a question about ownership appears earlier in the application form (*Id.* at 11- 12) but this is a particularly important aspect of a project, especially in EJ communities (communities Of Color and low-income communities) and should be repeated in or moved to this section of the application.

⁵ *Id.* at 12.

⁶ *Id.* at 13.

⁷ NJEJA notes here, as it did in previous comments it submitted on the Community Solar Energy Pilot Program (New Jersey Environmental Justice Alliance, *Comments on the New Jersey Community Solar Energy Pilot Program Proposed Rules, Docket No. QO18060646, Proposal Number: PRN 2018-090*, prepared by Nicky Sheats, at 5 (November 30, 2018)), that quality jobs should at the very least mean they are of minimum wage, offer paid sick leave and vacation, and that a majority are permanent. The Ironbound Community Corporation, an NJEJA member and ally, has experience in this area and would be willing to share it with BPU. Another group with experience in this area is New Labor.

⁸ *Id.* at 5-6.

⁹ NJEJA offers this question as an example in these limited circumstances of how BPU can be provided with some idea of whether or not a project is located in an EJ community. NJEJA strongly suggests that BPU and the state

5) *The proposed community solar project was developed, at least in part, through a community consultative, planning and engagement process.*

6) *The proposed community solar project will have a process in place that continues to gather input from the community in which it is located during its implementation and operation.*

7) *The proposed community solar project will create quality new jobs and hire locally.*

If “yes”, indicate how many jobs will be created and what steps the project will take to ensure it will hire locally.¹⁰

In this instance, NJEJA recommends that local residents and local school system in the above questions refer to the census tract in which the project is located and any contiguous census tracts unless the project’s service area is geographically smaller. Again, BPU could consider substituting zip code for census tracts to define the smaller geographic area.

Evaluation Criteria

Siting

NJEJA questions whether projects sited on landfills, brownfields and historic fills should be given high preference without prior community input. There are several reasons a community might not favor placing projects on these types of sites. One, is that community members might believe that some other type of use for the land; such as a commercial, residential or recreational use, is more important to their particular community than a solar project at that location. Second, there is, at times, a feeling among EJ advocates that if a solar project is placed on these types of sites they may be remediated to a lesser extent than if they were to be used in some other way and therefore still present a long-term health threat to the community in general and especially to nearby residents. This could particularly be true in an EJ community where since there is a higher probability of multiple sources of pollution and polluted sites than in other communities.¹¹ Therefore, preference should be given to projects proposed for these sites, at least in EJ communities, only if they have gone, or will go, through a community engagement process that provides approval of the chosen location.

establish a stakeholder group that contains community and EJ representatives to determine a definition of EJ community.

¹⁰ Questions 1-4 and 6 are new questions while questions 5 and 7 are revisions of existing questions (*see* notes 5 and 6, respectively, for the location of the original questions in the draft application form.)

¹¹ In previous comments (*see* New Jersey Environmental Justice Alliance, *Comments on the Community Solar Pilot Program, Docket Number QO18060646*, prepared by Nicky Sheats, at 3 fn. 5 (July 31, 2018)) NJEJA describes a New Jersey Department of Environmental Protection cumulative impacts screening tool that provides evidence there is more pollution in Of Color and low-income communities (EJ communities) than in other communities in New Jersey. For two seminal reports that provided evidence on a national level that there were more unwanted land uses in EJ communities than elsewhere *see Siting Of Hazardous Waste Landfills And Their Correlation With Racial And Economic Status Of Surrounding Communities*, UNITED STATES GOVERNMENT ACCOUNTING OFFICE (1983) and *Toxic Waste and Race in the United States: A National Report on the Racial and Socioeconomic Characteristics of Communities with Hazardous Waste Sites*, UNITED CHURCH OF CHRIST. COMMISSION FOR RACIAL JUSTICE (1987).

There should be a high preference for projects that use a community energy planning process and are located in EJ communities. NJEJA has discussed community energy planning in its previously submitted comments.¹² It is envisioned as a process that would intimately involve community residents, community groups, EJ groups, municipal government and other stakeholders in making critical decisions about a community solar project. The typical energy planning process does not involve residents, community groups or EJ groups, and community energy planning would allow residents to make decisions about energy production instead of being solely energy consumers. This preference could also be included in the Community and EJ Engagement section of the evaluation criteria.

Community and EJ Engagement

NJEJA recommends that projects which contain the elements discussed above, which are suggested should be the subject of additional questions in the application form, should be given preference from an EJ perspective. Again, in brief, these elements are that the project: 1) is linked to the local public school system and provides educational opportunities in the energy field for students; 2) provides entrepreneurship training in the energy field; 3) provides a pathway for local residents to own a share of the project; 4) will be located in a community in which the percentage of Of Color or low-income residents exceeds the percentage of Of Color or low-income residents in the entire state; 5) provides for community energy planning or some other type of effective community engagement during the development of the project and during operation of the project; and 6) provides quality job opportunities to local residents.

Currently, high preference is given if a project is developed in partnership with a municipality. NJEJA suggests this is changed so that high preference is only given if the project is developed in partnership with a municipality *and* community organization(s); and not if the partnership is only with a municipality. NJEJA takes this position because it does not believe that a partnership solely with a municipality implies that it would be good for EJ. EJ is rooted at a community level, not at a municipal level. NJEJA believes that projects developed in partnership with municipalities should be encouraged but if they are to be viewed as good for EJ then they should also have a community partner.

Since the Board of Public Utilities (BPU) has said it wants to ensure that New Jersey residents who did not previously have access to solar power should have access to this pilot program,¹³ the maximum number of points awarded to a project in the “Community and Environmental Justice Engagement” category should be increased to 20 points.

Geographic Limit

As suggested above, NJEJA urges BPU to consider creating a smaller geographic service area for a project than a municipality. This geographic area should attempt to approximate a

¹² See New Jersey Environmental Justice Alliance, *supra* note 11, at 6; New Jersey Environmental Justice Alliance, *supra* note 7, at 8.

¹³ See Community Solar Pilot Program Rules, Proposed New Rules: N.J.A.C 14:8-9, BPU Docket Number: QO18060646; Proposal Number: PRN 2018-090, at 5.

neighborhood and should be given high preference if it is located in an EJ community. However, NJEJA questions whether high preference should be given to any project based only on the size of the geographic area it is serving, if it is not located in an EJ community or providing some type of benefit to an EJ community. This doubt is based on the assumption that non-EJ communities have not faced barriers to accessing solar energy based on their size or location. However, if BPU believes this is not the case then NJEJA would certainly welcome a discussion with BPU and other stakeholders on this topic.

Conclusion

NJEJA would welcome the opportunity to discuss the ideas contained in this document with BPU.

Submitted by:

New Jersey Environmental Justice Alliance

Prepared by:

Nicky Sheats, Esq., Ph.D.

Director, Center for the Urban Environment

John S. Watson Institute for Public Policy at Thomas Edison State University

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December 21, 2018

VIA ELECTRONIC DELIVERY COMMUNITYSOLAR@NJCLEANENERGY.COM

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CN 350
Trenton, NJ 08625-0350

Re: Docket QO18060646 - Community Solar Pilot Program Application Process

Dear Secretary Camacho-Welch:

Public Service Enterprise Group, Inc. (“PSEG” or the “Company”), on behalf of affiliates Public Service Electric and Gas Company (“PSE&G”) and PSEG Power LLC (“PSEG Power”), appreciates the opportunity to provide a response to the Board of Public Utilities’ (BPU) request for comments on the Community Solar Energy Pilot Program Application Process and related forms.

PSEG has a long history of partnership with the state and aligning its interests with those of New Jersey. This partnership has been instrumental in helping the state achieve several important public policy goals, including making New Jersey a nationally recognized leader in the installation and operation of clean, carbon-free energy technologies. The passage of the Clean Energy Act, along with Governor Murphy’s energy vision and the BPU’s efforts to develop community solar provides a unique opportunity to build on that prior success as we implement a 100% clean energy future accessible to all customers and ensure that the benefits of solar (financial and otherwise) are available to previously underserved customers.

The BPU Notice dated November 28, 2018 (the “November 28 Notice”) requested that written comments be limited to the Community Solar application process and related forms attached to the Notice and not address the Community Solar Energy Pilot Program as a whole. In the spirit of that direction, PSEG respectfully request that the Board consider the following.

Application

The Community Solar Energy Pilot Program Application Form provides, in the “Minimum Qualification Requirements,” that “[t]he Board will not consider Applications for projects for EDCs to develop, own, or operate community solar projects(s).” PSEG respectfully requests that the BPU reconsider this position. As set forth more fully in PSEG’s comments

dated November 30, 2018, PSEG believes that it is essential for the EDCs to participate in the Pilot Program, which is the one and only opportunity (a) for the BPU to design and test the standards for community solar projects prior to the transition to the permanent Community Solar program, and (b) to ensure that the low and moderate income segment is fully subscribed. We therefore renew our request that the EDCs be permitted to submit applications to participate in the community solar pilot program. We hereby incorporate by reference the balance of our November 30th comments with respect to this issue.

Interconnection

During the three stakeholder meetings held pursuant to the November 28 Notice, it became apparent that some meeting participants thought that Community Solar projects would submit interconnection applications to PJM Interconnection LLC to facilitate the sale of the output of projects into the PJM wholesale market. PSEG on the other hand thought that the more appropriate interconnection process would have Community Solar projects submitting interconnection applications to the local EDC in accordance with the proposed rule N.J.A.C. 14:8-9.9 (“Community solar pilot projects shall comply with all current and future applicable interconnection requirements applicable to each EDC, as set forth in N.J.A.C. 14:8-5 and shall be processed by the EDCs following normal interconnection procedures.”) Consistent with other distribution grid-connected generators, PSEG understood that the output of the Community Solar project would act as a “load reducer” and, in certain circumstances described below, the owner of the generator would be compensated at the avoided cost of wholesale power. The differing perspectives on the proper interconnection process and the proper treatment of the Community Solar project output are subjects that require additional consideration by the stakeholders to ensure that the rules are clear and consistent, and can be efficiently administered by the EDCs.

From PSEG’s perspective, implicit in the overall Community Solar project structure was the concept that the Community Solar program is being developed and offered to assist those New Jersey residents who are currently unable to participate for one reason or another in the established rooftop solar net metering program offered in New Jersey. See N.J.A.C. 14:8-4. In that vein, the output of Community Solar projects would be treated in a manner consistent with generic net metering rules, which, among other things, require the compensation of the customer-generator for any excess kilowatt hours generated at the electric power supplier’s avoided cost of wholesale power. See N.J.A.C. 14:8-4.3(e). Notably, under the existing net metering rules, the solar project owner is not permitted to sell the excess electrical output into the PJM market.

Similar to the “avoided cost compensation” net metering rules, the proposed Community Solar rules state (N.J.A.C. 14:8-9.7) that the community solar subscriber/project owner shall be compensated for any unused credits at the avoided cost of wholesale power:

*(f) At the end of the annualized period and/or when a subscriber’s EDC account is closed and/or at the end of the subscriber’s community solar subscription, any excess net bill credits greater than the sum of all appropriate billable charges shall be compensated at the EDC’s or BGS provider’s **avoided cost of wholesale power**, as determined from time-to-time, calculated at the nearest node to the point of delivery of the community solar project. The excess compensation must be returned to the subscriber following his or her preferred method, wire transfer, or check. (Emphasis added)*

* * *

*(h) Any generation delivered to the grid that has not been allocated to a subscriber may be “banked” by the project operator in a dedicated project EDC account for a period of up to 12 months. The banked credits may be distributed by the project operator to any new or existing subscriber during that 12-month period, in conformance with subscription requirements set forth in N.J.A.C. 14:8-9.6. At the end of the up to 12-month period, any remaining generation credits shall be compensated at the EDC’s or BGS provider’s **avoided cost of wholesale power**, calculated at the nearest node to the point of delivery of the community solar project. (Emphasis added)*

Consistent with our November 30th comments, PSEG continues to believe that the avoided wholesale energy cost is the most appropriate community solar subscriber credit. Using the retail rate is an implicit subsidy (in addition to the SREC and/or other subsidies) that is not transparent in the Board’s valuation of solar or to customers who either participate or bear the burden of the cross-subsidy. That said, if it is ultimately determined that the value of the credit should be the “retail rate net metering, inclusive of supply and delivery charges”, then it would be appropriate for the Community Solar rules to conform to the balance of the net metering rules, which would preclude the sale of the output into the PJM markets. To do otherwise would create an unreasonable “triple-dipping” result: effectively permitting the sale of the output of the Community Solar project three times, once into the PJM market¹, a second time by virtue of the retail credit, and a third time when the subscribers are to be compensated for unused credits at the avoided cost of wholesale power.

After further stakeholder input, if the final rules do permit the output of Community Solar projects to be sold into the PJM markets, PSEG recommends that revenues derived from those PJM sales be used to offset the overall costs of the Community Solar program. As the overall costs of installing solar continues to decline, the value of the SRECs or Class 1 RECs available to the solar project developer combined with the value of the subscriber fee paid by subscribers to the project owner/developer are sufficient incentives for developers to construct Community Solar projects.

Evaluation Criteria

The Board should evaluate projects in the application process based on the additional incentives they anticipate taking. Section 14:8-9.7(q) of the proposed rules states: “Community Solar projects shall be eligible to apply, via a one-time election prior to the delivery of any energy from the facility, for SRECs or Class I RECs, as applicable, or to any subsequent revision to the solar compensation mechanisms as determined by the Board pursuant to the Clean Energy Act.” Since developers have an option as to which incentive they will take, the BPU should request information on this election and evaluate and select projects with the lowest cost of subsidy.

¹ Of note, it is PSEG’s understanding that community solar projects located in Maryland, Delaware and Washington, DC do not sell their output into the wholesale market. Rather, the local EDC takes possession of the output which is then cleared through the EDC’s standard offer program. Additional information regarding the treatment of community solar output in other jurisdictions should be obtained before a final resolution of the issue is reached.

Lastly, the Application's "Evaluation Criteria" include a preference for Community Solar projects that have received an "EDC feasibility study." PSEG respectfully submits that requests for interconnection should be made only after the BPU has ranked the applicants in the competitive process. This will help to avoid unnecessary costs and time for the EDC engineering teams to review proposals that are not accepted or lowly ranked by the BPU and the potential result of a higher ranked project receiving a higher interconnection cost simply because it is later in the queue. Of note, community solar developers should be able to readily identify lower-cost interconnection locations by consulting the EDC's solar capacity maps currently under development. See N.J.A.C. 14:8-9.9(f). PSE&G will follow normal interconnection procedures, including collecting fees and charges for system studies, equipment and upgrades for any community solar projects submitted for EDC interconnection review.

Once again, PSEG appreciates the opportunity to provide these comments. We thank Staff for its consideration of our submission.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Joseph A. Shea, Jr.", is positioned above the typed name and address.

Joseph A. Shea, Jr.
PSEG Services Corporation
80 Park Plaza, T-5
Newark, NJ 07102

December 21, 2018

VIA ELECTRONIC MAIL

communitysolar@njcleanenergy.com

Aida Camacho-Welch, Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket Number: QO18060646
44 S. Clinton Ave., 3rd Floor, Suite 314
PO Box 350
Trenton, NJ 08625-0350

RE: DOCKET NO. QO18060646; Comments on Draft Community Solar Forms

Dear Secretary Camacho-Welch:

Summit Ridge Energy (Summit Ridge) respectfully submits the following comments on the draft community solar energy pilot program (“Pilot Program”) forms provided in the Notice dated November 28, 2018 in the above referenced docket. Summit Ridge is an active participant in established community solar programs across the U.S. and looks forward to participating in New Jersey’s pilot and permanent programs. Summit Ridge has submitted written comments on the proposed rules in this docket and has participated in stakeholder meetings on both the proposed rules and on the draft forms.

In our earlier comments on the proposed regulations, we encouraged the development of forms and other details in advance of the Pilot Program’s launch, and we appreciate that Staff is taking action on a number of such items. Our comments focus on the Pilot Program Application Form, and we address specific questions asked by the Staff in preparation for the stakeholder meetings where relevant.

Pilot Program Application Form

We have three broad concerns with the draft Pilot Program Application Form:

1. The Evaluation Criteria in Appendix B of the Form do not place appropriate emphasis on “project maturity” in accepting projects into the Pilot Program.
2. The answers to many of the questions asked in the form will not be available at the time the form is submitted.
3. The proposed Pilot Program Application Form relies heavily on self-reporting by solar developers. Without adequate follow-up and validation, the application could be manipulated for favorable scores.

Driven by these concerns, we offer the recommendations below.

Project Maturity

While the Evaluation Criteria in the Pilot Program Application Form include a small amount of credit for projects in advanced stages of development, we recommend that project maturity criteria be elevated to prerequisites for filing Pilot Program applications and, therefore, be eliminated from the evaluation criteria.

In particular, a project should meet three criteria in order to make application to the program:

1. Demonstrate site control through a signed rooftop or land lease, land ownership, or an option to lease or own.
2. Completion of a utility interconnection application, indicating preliminary approval by the utility and acceptance of the project into its interconnection queue.
3. Proof that application for at least one, required “discretionary permit” (e.g. zoning variances, special exception permits) has been made, or that none are required.

Site control, interconnection feasibility and permitting are the three elements of project maturity that Staff identified in its evaluation criteria, and we agree that those are the correct set of factors. By requiring demonstrated action on each element in order to make application to the Pilot Program, the BPU can ensure that projects awarded capacity have the highest degree of likelihood of reaching commercial operation. Our three recommended milestones are those required in Maryland’s community solar pilot program, which is similar in size and duration to New Jersey’s program. They have proven effective in creating a stable, well-managed set of pilot program projects.

We expect interest in the Pilot Program to be high. Extraordinary developer interest in other community solar programs, including those in New York and Illinois, has created massive interconnection study backlogs that hobbled utilities and significantly slowed the launch of those programs. The Board should take steps, therefore, to manage the volume of interconnection work utilities do to support the pilot program. Steps to limit that volume are included in the two options for synchronizing the interconnection review process with the Pilot Program application process described below.

The process by which utilities queue, evaluate and release their interconnection studies, as well as the length of time it takes them to complete the studies must be considered in setting the Pilot Program application period. At this time, New Jersey’s utilities are NOT accepting interconnection applications for community solar projects pending the completion of the formal rulemaking process. The Board should expect, therefore, that there will be a number of weeks or months between utilities beginning to accept interconnection applications and the first Pilot Program applications



being filed. We suggest that the Board adopt one of the following two approaches to synchronizing the interconnection application and Pilot Program application process:

- Option 1: Establish a date on which interconnection applications for community solar projects may begin to be filed. We gather that this date will follow the effective date of the Pilot Program rules. Utilities will evaluate interconnection applications in the order in which they are received and issue each study to the applicant when the study is completed. Depending on the complexity of the study, the review may be completed quickly (e.g. for smaller rooftop projects) or could take significant time (e.g. for larger systems). With this interconnection review process in place, the Pilot Program application window should be lengthy to allow interconnection studies for a broad number of projects to be completed. The Board should set this window based on its expectations for more complex interconnection study timelines. Once the developer has received the interconnection study, it can then apply for that project to be accepted into the Pilot Program if the other prerequisites have also been completed.
- Option 2: As with Option 1, establish a date on which interconnection applications for community solar projects may begin to be filed, and utilities shall evaluate those applications in the order in which they are received. Differing from Option 1, however, each utility holds interconnection studies for a number of applicants to be released together on a particular date. The number of applicants is chosen to assure that a sufficient number of projects with attractive interconnection costs will be eligible to enter the Pilot Program to meet the capacity objectives. With this approach, a narrow Pilot Program application window can be set. One month would be an acceptable window. Once the developer has received the interconnection study, it can then apply that project to the Pilot Program if the other prerequisites have also been completed.

Our proposed milestone for permitting clarifies that permits need not be secured prior to submitting an application (if required), but rather that the developer has begun the process of applying, which can be demonstrated by providing documentation of a fee paid or other proof from the relevant jurisdiction. Note that to apply for permits, a developer will have committed capital to consult with local permitting authorities, survey the site, develop a set of preliminary construction drawings and site plan, and assemble the application package. Permit application, therefore, demonstrates a significant level of commitment by the developer and confidence that the project can be brought to completion if accepted into the pilot program.

We would caution requiring further advancement in permitting as a prerequisite. Some states with community solar programs have required the developer to have received full discretionary permits prior to applying. This is very high bar and will discourage participation in the New Jersey program. It causes an undue economic burden and forces significant risk on the developer, since completing the discretionary permit process costs twice to three times as much as initiating the application package, and reaching completion can take up to twelve months. This permit receipt requirement

was vetted in the design of the Maryland pilot program, and our recommendation follows Maryland's approach, which has been effective.

Other Amendments to Evaluation Criteria

Siting: We recommend that parcels zoned for industrial and commercial use be included in the "Higher preference" category. Projects located on such parcels are clearly aligned with local land use planning, will proceed to completion with a higher degree of certainty owing to minimal zoning approval, and do not encumber land otherwise available for agricultural use.

Subscribers and Environmental Justice: While it represents a significant departure from the Staff's proposal, we recommend that rather than using LMI participation as an evaluation criterion, a certain percentage of program capacity should be set aside for LMI projects. As we noted in our comments on the proposed regulations, we feel that 50% is too high a requirement for LMI participation, but a set-aside is the best approach when combined with reasonable participation targets. Whether or not the Board accepts our recommendation on creating this set-aside, we recommend that any LMI participation commitment must be validated with subscriber information before a project can be placed into operation. Indicating an intent to subscribe LMI customers without validation would undermine the Pilot Program intent.

Product Offering: While we support the intent of this metric, we suspect it will be impractical for the Board to monitor a developer's product offering to ensure it continues to align with what the developer included in its application. The criterion should, therefore, be eliminated. Earning points in the evaluation for indicating the intent, with no follow up validation would undermine the Pilot Program intent.

Cost in \$/kW Installed: We recommend eliminating this criterion. While project costs are an input to a project's success, it is the proposed outcomes that should be evaluated. Given that Other Benefits, and Engagement are project criteria, the cost criterion could also conflict with other program goals. Rewarding low construction costs could also create unintended incentives to build with poorer quality and could discourage development on sites that require higher build costs, including brownfields and landfills. Finally, this would be a difficult metric to monitor to ensure developers have achieved the cost targets.

Community and Environmental Justice Engagement: We support this evaluation criteria but suggest eliminating favorability for projects owned by municipalities or affordable housing developers. The solar industry has evolved a number of efficient financing structures that would ultimately lower costs to subscribers and enable more projects to participate in the program; incentivizing uncommon ownership structures does not seem in the interest of the Pilot Program.

Other Benefits: We support this evaluation criteria, but as suggested elsewhere, it will create significant administrative burden for the BPU to verify that steps such as an energy audit or energy efficiency measures have been completed, and there is no timeline or scope indicated. We believe

this uncertainty, as with other proposed evaluation criteria, could encourage gaming of the Evaluation Criteria.

Geographic Limit: We recommend eliminating this criterion. In order to provide the greatest financial benefits to subscribers, the best sites should be developed. The restriction on issuing subscriptions to customers within the utility service territory where the community solar project is located is sensible and necessary for a number of reasons, but no further benefits accrue to customers from tighter geographic proximity to the project. It should also be considered that project “affinity” might result from other project characteristics (e.g. projects built by organizations whose members are geographically distributed like college or university alumni or advocacy group members). The Pilot Program should not favor geographic proximity to other types of aggregation.

Project Maturity: As discussed above, we recommend that this criterion be eliminated, and be replaced with project maturity prerequisites to make application.

Section B Requested Information

The scope of information requested in Section B of the application form is too extensive in some cases. Some of the information may not be known at the time the application is submitted, and some is not needed to support the application evaluation. We suggest that certain information be deleted from the application, and that it be clarified that information need only be supplied to the extent that it is known at the time of application. In particular:

B.II Community Solar Project Owner – The ultimate project owner may not be known at the time of application. It would be more efficient to combine B.I, B.II and B.IV into one section that asks the contact information of the developer. In any case, this section should be only be completed if known.

B.III Property/Site Owner Information – Unclear why the BPU wishes to know this information, as it doesn’t have a bearing on the project’s suitability for the program or commercial viability. This section can be removed.

B.IV Community Solar Facility Contractor/Installer/Developer – The construction contractor may not be known at the time of application. It would be more efficient to combine B.I, B.II and B.IV into just one section that asks the contact information of the developer. In any case, this section should be only be completed if known.

B.V Community Solar Subscriber Organization - The subscriber organization may not be known at the time of application. This section should be only be completed if known.

B.VII Community Solar Facility Siting – We recommend the BPU add a category or check box to qualify projects that are sited in commercial or industrial zones.



B.VIII Community Solar Subscriptions and Subscribers – Many of the answers to questions in this section will not be known, might change as the project is developed and some are not relevant to project evaluation (e.g. Item 6 - whether an anchor subscriber will be used, Item 7 - expectations about the structure of offtake arrangements).

B.X Project Maturity and Timeline – As suggested above, documentation on site control, completed interconnection study, and application for discretionary permits should be provided as a pre-requisite for the application. This section can be eliminated to reflect that approach.

B.XI Project Cost – This section should be deleted consistent with our recommendation that project cost should not be an evaluation factor.

Section C: Certifications

As discussed above, many of the parties involved in a particular project may not have been identified at the time the application is submitted (e.g. ultimate owner, construction contractor, subscriber organization). As such, these Applicant Certifications should be eliminated and only the developer's certification should be required.

Additional Guidance Documents

In the questions it posed for the stakeholder meetings on these forms, the Staff asked if the BPU should issue additional guidance documents, and if so, what should they contain. In our comments on the proposed regulations in this docket, we provided the following list of issues that should be resolved prior to the commencement of the Pilot Program. Below are the items on that list, with those items now addressed in these three forms crossed out. We would encourage the Board Staff to clarify as many items as possible by the time utilities begin to take interconnection applications for community solar projects.

1. Program details to be submitted to the Board and approved prior to the opening of the Pilot Program application window for Program Year 1:
 - a. ~~The program application form and scoring system called for in 14:8-9.3(c)(1)*~~
 - b. Recommendation on whether the number of projects submitted by a developer should be limited pursuant to 14:8-9.3(c)(11) unless clarified in regulations
 - c. Recommendation for any fees utilities may charge during the Pilot Program pursuant to 14:8-9.3(d)
 - d. Recommendation on co-location restrictions pursuant to 14:8-9.4(j)** unless clarified in regulations
 - e. Affidavit form(s) for multi-family buildings to qualify as participants as required by 14:8-9.6(g), 14:8-9.8(a)(2), and 14:8-9.8(d)(1)
 - f. Definition of “avoided cost of wholesale power” as used in 14:8-9.7(f) and (h) if not included in regulations.



- g. Clarification of banking period for unallocated project production pursuant to 14:8-9.7(h) unless clarified in regulations
- h. Utility selections of dollar credit or kWh credit mechanisms pursuant to 14:8-9.7(n)(1)
- i. Recommendation for additional incentives for Program Year 1 as permitted by 14:8-9.7(s)
- ~~j. The registration form for subscriber organizations required in 14:8-9.10(a)~~
- ~~k. The disclosure statement to be presented to each subscriber as required by 14:8-9.10(b)(4)(i) and (iii)~~
- l. List of major project developments and milestones to be submitted to the Board by developers as required by 14:8-9.11(b)(3)
- m. Pro-forma calculations of bill credits for each utility rate schedule
- n. Recommended data transfer protocols between utilities and subscriber organizations including:
 - i. Validation that subscriber is not subscribed to another project as required by 14:8-9.6(f)(5)
 - ii. Definition of data to be transferred via Green Button pursuant to 14:8-9.7(k)
 - iii. Standardized processes for sharing subscriber information between subscriber organizations and EDCs, and the submission of lists of subscribers including identification of subscriber information to be transmitted, standardized forms and methods of submission as required by 14:8-9.7(l)
 - iv. Identification of any data to be transferred by EDI, if used, and associated transactional formats
 - v. Methods for providing validation of subscriber participation in LIHEAP, Universal Service Fund, Comfort Partners, and/or Lifeline Utility Assistance Program as required in 14:8-9.8(d)(2)(i)

Respectfully submitted,

Will Fischer

Vice President, Business Development
646.979.7066 | wfischer@srenergy.com

December 21, 2018

VIA EMAIL

Aida Camacho-Welch
Secretary of the Board
New Jersey Board of Public Utilities
44 South Clinton Avenue, Suite 314
Trenton, New Jersey 08625

Re: Comments

**In the Matter of the New Jersey
Solar Energy Pilot Program**

Docket No. QO18060646

Dear Secretary Camacho-Welch,

On behalf United States Solar Corporation, I respectfully submit the attached *Comments* in response to the Board's November 28, 2018 notice and request for comments on three draft Forms for the Community Solar Pilot Program.

Please do not hesitate to contact me if you have any questions.

Sincerely,

s/ Ross Abbey

Ross Abbey
United States Solar Corporation

STATE OF NEW JERSEY
BEFORE THE
BOARD OF PUBLIC UTILITIES

Joseph L. Fiordaliso
Mary-Anna Holden
Dianne Solomon
Upendra Chivukula
Bob Gordon

President
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the New Jersey
Solar Energy Pilot Program

DOCKET NO. QO18060646

COMMENTS

United States Solar Corporation (“US Solar”) is a community solar farm developer/owner/operator that is currently developing projects in four states, with over 50 MWs of community solar installed and subscribed to date.

We attended and participated in both the July 24 and November 8 stakeholder workshops, and respectfully submit these comments in response to the Board’s draft Rule published on October 1, 2018.

I. Draft Community Solar Energy Pilot Program Application Form (“Application Form”)

a. For how long should the Application Period be open?

We suggest an initial two-month application window. Assuming that the market is given advanced notice of the window, two months should be plenty of time for applicants to prepare and submit applications. If an applicant is *not* ready to submit an application during this window, they could simply apply during the next window. Limiting the initial window to two months would preserve enough calendar for the BPU to open a second two-month window later in the year (*i.e.*, after the BPU has completed its review and evaluation of the first round of applications).

If the Board is considering the establishment of a longer application window (beyond two months), it should consider the dynamics that a longer window could create. Specifically, because projects will be competing for Board selection, there may be an advantage for projects that wait until the final few weeks to submit their applications, because that allows them more time to develop the project and the application itself in an effort to win selection. Conversely and for the same reason, applications submitted long before the window closes may place themselves at a relative disadvantage. Recognizing this dynamic, the Board should promote prompt application by establishing a shorter window for initial applications.

b. Should all permits be required to be obtained prior to submitting an application to the Board? Should the interconnection approval be obtained prior to submitting an application to the Board?

No, we do not believe it would be wise for the Board to require the applicant to obtain all permits prior to submitting a project application. That would impose significant risk on the market, as receiving the required land-use permits for each project will require a significant investment of time and money. This investment will be justified for community-solar projects that receives a program award and have feasible interconnection costs. But under the first-year program cap, and the new pilot program more generally, it does not make sense to require permits at the time of application for the first program year.

c. Please comment on the draft criteria and weighting.

We suggest the Board increase the weighting of Project Maturity category to a maximum value of 20 points. This will help focus applicants on the importance of submitting a simple, straightforward community-solar project (or projects) that the applicant can actually develop and deliver in a prompt, diligent manner. *See* Exhibit A, at 22-23 for our proposed redline modifications and clarifications to the Evaluation Criteria.

Developing high quality community-solar projects in the near term will require a focus on the project-development basics, including:

- Obtaining good site selection, including sites that are suitable for solar and agricultural co-production;¹
- Land-use permitting;²
- Interconnection to the local EDC's distribution system in a timely manner, at the lowest reasonable cost;³
- Developing subscription contracts and marketing materials, funding marketing budgets, hiring or contracting with a sales team, training the team, educating potential subscribers about the various products, qualifying and contracting with subscribers including residential customers and residential low-to-moderate income subscribers, uploading the contracted subscribers into a yet-to-be-developed program portal, and establishing a system to provide good service to those subscribers (including address change, subscription transfer, etc.) over the life of the subscription agreement; and
- Prompt development, financing, construction, testing, and commissioning of the community-solar facility (*i.e.*, putting actual steel in the ground).

¹ *See* below, at 4.

² If experience in other states is any guide, land-use permitting will likely be quite involved for the first 3-5 years of the community-solar program, with permitting standards and timelines varying from one local jurisdiction to another depending on their degree of solar-permitting readiness.

³ The applicant should be allowed to apply for distribution interconnection with the local EDC. Individual applicants may also want the option to apply for interconnection through the PJM process, but we see no justification for prohibiting interconnection application directly to the EDC.

For these same reasons, we respectfully suggest that the Board demote the Cost and Other Benefits categories by removing them from the Evaluation Criteria, while retaining the corresponding information-disclosure requirement and option, respectively. As to Other Benefits, the Board may still request such information, but should not award credit based merely on the applicant's stated intent to "pair" the community solar project with storage or micro-grids – considering that these are new and untested project features that, to date, lack a track record around third-party financing and interconnection review and approval.

This is not to say that the pilot program shouldn't encourage such innovation. But as explained above, there will be lots of work and innovation needed simply to deliver on even the baseline promise of community solar in the first few program years. There is no need to drive even more complexity and challenges, and thus increase project risk and timelines, by encouraging applicants to stretch to achieve this technology pairing, with a presumptive penalty for non-delivery.

Project Cost Information

As to project cost information, the Board will likely get more-accurate cost estimates if that information doesn't factor into project selection. That is because including it as a selection factor creates a perverse incentive to understate expected costs – which costs, in truth, are never really known until later in the project-development process, especially in a community-solar market like New Jersey where average interconnection costs and subscriber-acquisition costs are currently unknown.

Keep in mind, the applicant will in any case have self-motivation to control its own development and construction costs, and to seek reasonable cost efficiencies as it goes. But developers do not control equipment prices, trade tariffs, labor costs, interconnection costs, etc., so there is a falsity to the superficial notion that applicants will be able to accurately forecast and/or control their actual costs in the first program year. The Board should thus remove this factor from the Evaluation Criteria and, instead, use the first few program years to simply collect accurate market-cost information (which will vary by project type, size, and location) to help inform the post-pilot program. All submitted Project Cost information should be eligible for Confidential and/or Trade Secret designation.⁴

Clarifying Point Values; Solar-Agriculture Co-Production

Finally, we also recommend providing more clarity as to relative point values, as shown in Exhibit A, at 22-23. In particular, we suggest clarifying that farmland that remains in agricultural production should be afforded a medium preference (*e.g.*, 8 points), since such an approach would not remove farmland from active production. Conversely, a farmland site that does not remain in agricultural production due to its use as a community-solar site should be afforded no preference (*e.g.*, 0 points).

Although not mentioned in the draft Evaluation Criteria, "solar agricultural co-production"

⁴ See Exhibit A, at 14.

is an emerging phenomenon that works to make the best of both worlds.⁵ Under this approach, the ground under or around a community-scale solar facility is planted with a specialty crop for the local market, or a cover crop that can provide healthy fodder for grazing sheep, or for hosting honeybees for honey production (which can then be used as an ingredient in local food and beverage production), or other compatible agricultural uses.⁶ These benefits to the agricultural and local food system could be instead of or in addition to use of the site for pollinator support, and so should be separately recognized in the Evaluation Criteria.

It would be reasonable for the Board to require that any applicant seeking this credit submit an agricultural use plan that explains the planned agricultural co-use in detail, including how the solar facility and operation thereof will be coordinated with the planned agricultural use on a weekly and annual cycle. And because some community-solar sites may be more suitable for agricultural co-production than others, signaling a Board preference for co-production early on (via this Application Form) may be necessary to steer applicants towards identifying and submitting sites that have favorable locations and infrastructure, etc. for allowing co-production. In summary, if hosting a community-solar project allows a New Jersey farm owner to transition to a new agricultural product in a way that mitigates the owner's risk of planting something new, that should be recognized and encouraged under the pilot program's Evaluation Criteria.

Finally, the Board should also recognize that hosting a community-scale solar facility will increase and diversify income for owners of the farm land, helping the landowner to them to keep the remaining portion of the farm land in traditional agricultural operations and pass the operation on to the next generation. This is a unique ancillary benefit of community-scale solar farms on farmland, especially as solar farms do not require the installation of traditional development infrastructure (such as paved roads or water and sewer lines) and can be fully decommissioned upon project completion, leaving the farmland and the soil better than it was before.

d. Is there anything missing from the Application Form?

For suggested redline changes, see Exhibit A, attached hereto.

e. How can the BPU best assist projects planning to apply to the Community Solar Energy Pilot Program?

The Board should establish dedicated staff for the Pilot Program to provide program updates,

⁵ See, e.g., NJ.com (2015), New Jersey solar farm uses sheep to maintain lawn, <https://bit.ly/2EEQGyg>; Treehugger.com (2018), Oregon 'solar apiary' combines energy production with honey, <https://bit.ly/2R96oYy>; Scientific American (2018), Solar Farms Produce Power—and Food, <https://bit.ly/2kSA0Yf> (“One of the first concepts for mixing solar and agriculture, dubbed ‘agrophotovoltaics’ (APV), was developed more than three decades ago by physicist Adolf Goetzberger”); Smithsonian.com (2018), There’s a New Job in the Solar Industry, <https://bit.ly/2nMsoZ2> (“Sheep have been seen grazing solar land from coast to coast, in Hawaii, California, Texas, New Jersey and New York”).

⁶ Please note that US Solar, together with other community-solar developers, is participating in the “InSPIRE” project, led by the U.S. National Renewable Energy Laboratory with the goal of meeting SunShot cost and deployment targets through “Innovative Site Preparation and Impact Reductions on the Environment”.

host applicant working groups, maintain program FAQs, propose program improvement to the Board upon stakeholder petition, etc. For example, program updates could include new program guidance documents (discussed below) and the relevant status updates on New Jersey’s evolving SREC process and requirements.

The Board should also direct the relevant EDCs to file an interconnection readiness plan (for the expected volume and complexity of these interconnection requests), including the consideration of community-solar interconnection rules and tools that have proven successful in other states.⁷

f. Should the BPU issue additional guidance documents? If yes, what should they contain?

The Board should consider issuing the following guidance documents:

- Draft form Pilot Program Project Agreement, to be signed by the EDC and the project owner setting forth the obligations of both parties.
- Guidance on how program participants can best communicate with the program office and program staff. Where will the program office be housed, and how will it ramp up resources to provide program support to all program participants (including applicants, EDCs, subscription organizations, facility operators, community subscribers, and residential and low-to-moderate income subscribers).
- Guidance on subscriber-bill-credit rates for the various relevant customer classes in each of the EDC territories. If the bill-credit rate will vary by non-EDC (*i.e.*, non-default) retail suppliers, please provide clear guidance on how to determine the supplier-specific bill-credit rate.
- Guidance on residential LMI data sets, geographic zones, best practices, resources (including relevant pass-through guidance from other state agencies regarding, for example, the location of Environmentally Disadvantaged Communities).
- Guidance on the available interconnection processes, including by program staff partnering with the relevant EDCs to provide an interconnection process flow-chart and relevant forms.

g. Additional proposed clarifications and improvements to the draft Application Form

We respectfully request that the Board incorporate the suggested redline clarifications and modifications show in Exhibit A, at 1-23. We offer the following context and support for adopting these proposed changes:

Page 3

We recognize that the Board is reserving the right to attach specific conditions to an award

⁷ US Solar November 30, 2018 *Comments on Draft Rule*, at 4 (including “clear utility process and timelines for all interconnection steps”).

of program capacity.⁸ But we would also point out that imposing conditions at the tail end of the application process is generally the worst possible approach, from a project risk perspective. So we would respectfully ask that the Board use this provision sparingly, if at all.

Page 5

The draft Application Form requests contact information for the “Community Solar Facility Contractor/Installer/Developer” who will construct the Facility. But, as a practical matter, the EPC contract will likely not be negotiated (let alone finalized) prior to the Application and program capacity award. For that reason and others, the entity that the applicant initially intends to install and test the solar facility may not be the entity that actually does those tasks in the end.

We thus respectfully ask the Board to clarify that this information, and other project-specific information that is subject to revision upon permitting and due diligence, may be updated if facts change on the ground. For example, the precise number of border trees that may need to be removed will change and become more precise as the development process progresses from a desktop analysis (w/ satellite imagery), to title clearance, to the third-party survey and geotechnical analysis, field wetland delineation, and final permitting.⁹

Page 10

We respectfully request that the Board clarify that applicants can express their “Estimated or Anticipated Breakdown of Subscribers” as a range (*e.g.*, 10-25% residential).

Pages 11 and 21

The draft Application Form refers to “guaranteed savings” in at least two places, as does the draft Disclosure Form.¹⁰ We respectfully request a clarified definition of what the Board means by this phrase. In other community-solar markets, we offer a “fixed-savings” subscription that contractually pegs the subscription rate below the subscriber’s bill-credit rate, thereby ensuring that the subscriber will receive a fixed monetary savings for each and every KWh delivered from the facility to the EDC, which then credits the subscriber. Our proposed redlines help allow for this subscriber-friendly approach in the Pilot Program.

Conversely, we would interpret the phrase “guaranteed savings” to imply (or otherwise incorporate) the idea of a kWh production guarantee, which would essentially bundle a production-insurance policy into the subscription, to insure the subscriber against abnormally cloudy weather, EDC-required system downtime for line repairs, or other unpredictable events outside of the applicant’s control. In general, we have not seen this sort of offer made in other community-solar states, so we suggest clarifying that either approach may be disclosed in the Application Form and Disclosure Form

⁸ *Id.*, at 3 (“9. In the review and/or approval of an Application, the Board may attach specific conditions which must be fulfilled in order to obtain final approval to participate in the Pilot Program.”)

⁹ *See e.g., id.*, at 8 (“Construction of the proposed community solar facility will require cutting down one or more trees . . . estimated number of trees required to be cut for construction: _____”).

¹⁰ *See* Exhibit A, at 29 (regarding the Disclosure Form).

Pages 16 - 20

For each of these certification forms, the Board should clarify that each organization's signer is signing the certification on behalf of the company / organization, and not in the signer's personal capacity.¹¹

Regarding the "Property Owner Certification" on page 19, the Board should clarify whether this is intended for the underlying *land* owner, or some other entity such as the tax-credit investor. If this certification is, in fact, intended for the landowner, the Board should tailor the Certification to avoid placing any undue burden or liability on the landowner, who is trusting in the solar developer/owner/operator to handle all the elements of program compliance, SREC Registration procedures, etc.¹²

II. Draft Community Solar Subscriber Organization Registration Form ("Registration Form")

We respectfully request that the Board incorporate the suggested redline clarifications and modifications show in Exhibit A, at 24-27. We offer the following context and support for adopting these proposed changes:

Page 25

Please clarify that maintaining a brick and mortar presence in New Jersey is at the applicant's option, not a strict program requirement.

Page 27

Please clarify (as requested above regarding the Application Form at pages 16-20) that this Certification and any related liability will attach to the company or organization, not the individual signing on the company or organization's behalf.

III. Draft Community Solar Subscriber Disclosure Form ("Disclosure Form")

We respectfully request that the Board incorporate the suggested redline clarifications and modifications show in Exhibit A, at 28-31.

IV. Conclusion

For the reasons set forth above, we respectfully request that the Board adopt the recommendations set forth herein.

¹¹ See Exhibit A, at 16.

¹² See Exhibit A, at 19.

Sincerely,

s/ *Ross Abbey*

Ross Abbey
Senior Development Specialist,
United States Solar Corporation

Community Solar Energy Pilot Program Application Form

Section A: Application Form Requirements, Instructions, Terms and Conditions

The following Application Form is intended only for entities submitting a community solar project for consideration by the New Jersey Board of Public Utilities (“Board”). Selected projects will be approved for participation in the Community Solar Energy Pilot Program, pursuant to N.J.A.C. 14:8-9.

All Applications are subject to review by Board Staff and final approval by the Board.

Before completing the application, please carefully review the rules contained in N.J.A.C. 14:8-9, and any other rules, regulations, and codes applicable to the design, construction, and operation of a community solar project in New Jersey. All applications must be in compliance with all local, state and federal rules, regulations and codes.

Projects approved for participation in the Community Solar Energy Pilot Program by the Board shall be considered “connected to the distribution system” for purposes of Solar Renewable Energy Certificate (“SREC”) and Renewable Energy Credit (“REC”) eligibility.

This Application Form is valid only for the following Application Period:

Program Year 1, Application Period 1

Application Period Opens: XXX, 2019

Application Period Closes: XXX, 2019

I. Minimum Qualification Requirements

The Community Solar Energy Pilot Program is open to Applications from solar energy projects that meet the following minimum requirements. Additional requirements or criteria apply, as identified in N.J.A.C. 14:8-9.

1. The proposed community solar facility must be located in the electric service territory of an Electric Distribution Company (“EDC”) in the State of New Jersey.
2. Existing solar projects may not apply to requalify as a community solar project. An existing solar project, as defined in N.J.A.C. 14:8-9.2, means a solar project having begun operation and/or been approved by the Board for connection to the distribution system prior to January 1, 2019.
3. The Board will not consider Applications for projects for EDCs to develop, own, or operate community solar project(s).
4. The Board will not consider Applications for projects sited on preserved farmland, as defined in N.J.A.C. 14:8-9.2.
5. The Board will not consider Applications for projects exceeding the capacity limit for individual community solar projects, set at 5MW as defined in N.J.A.C. 14:8-9.4(g).
6. The criteria for evaluation of Applications are presented in Appendix A.

II. Instructions for Completing the Community Solar Energy Pilot Program Application Form

1. Each solar electric power generation project applying to participate in the Community Solar Energy Pilot Program requires the submission of an individual application form. Do not apply for more than one (1) project per Application Form. There is no limit to the number of Applications that can be submitted by any one Applicant.
2. Complete sections B and C, and Appendix A in full. All attachments are required, unless explicitly marked as optional. All attachments must be attached to the end of the Application Form, therefore forming a complete application package. Note that attachments marked as optional will be considered if included, but their absence will not penalize an Application.
3. Original signatures on all forms and certifications of this Application Form are required. The certifications contained in section C must be notarized.
4. *Optional:* In addition to completing all applicable sections in this Application Form, the Applicant may attach further documentation describing the proposed project to inform the Board's assessment of the Application. Examples: a cover page summarizing the proposed project (no more than 1 page), letters of support, marketing or advertising materials. These optional additions may be considered by the Board in the review of the Application, however their absence will not penalize an Application.

III. Special Considerations for Project Siting

Applicants should have met, or be scheduled to meet with the New Jersey Department of Environmental Protection's Office of Permit Coordination and Environmental Review ("PCER") to determine what permits may be required and to identify other potential issues. More information is available at: <http://www.nj.gov/dep/pcer>. Applicants are expected to have completed the New Jersey Department of Environmental Protection's ("NJDEP") Permit Readiness Checklist and submitted said Checklist to the NJDEP PCER prior to submitting the Application to the Board. The Permit Readiness Checklist is available at the following link: <https://www.nj.gov/dep/pcer/introcklist.htm>.

Special attention should be paid when siting a project on a landfill, a brownfield, or an area of historic fill. For reference, the NJDEP's *Guidance for Installation of Solar Renewable Energy Systems on Landfills in New Jersey* can be found at the following link: <https://www.nj.gov/dep/dshw/swp/solarguidance.pdf>.

Additionally, the Applicant should review the compliance history at the proposed site and the various operations that were conducted there. Satisfaction of all outstanding NJDEP regulatory compliance obligations, if applicable, will be required. The Applicant should identify any outstanding compliance and enforcement issues associated with the property on which the proposed project is to be sited and resolve them accordingly before submitting the Post Construction NJDEP Compliance Form, if applicable.

If the proposed project is sited on Green Acres preserved open space, as defined in N.J.A.C. 14:8-9.2, or on land owned by the DEP, the Applicant must receive special approval for the project from the NJDEP prior to submitting the Application to the Board, and attach proof of approval to their application package.

IV. Important Terms and Conditions

1. The “Applicant” is defined as the entity that submits the Community Solar Energy Pilot Program Application Form (i.e. an Applicant may be a project developer, project owner, project operator, property owner, contractor, installer, land speculator, or agent thereof).
2. Submission of an Application Form does not obviate the need for compliance with all applicable local, state, and federal laws and regulations.
3. Only Applications that are substantively complete by the close of the Application Period will be considered for participation in the Community Solar Energy Pilot Program during that Program Year. An incomplete Application may be amended and resubmitted during the following Application Period.
4. The Applicant may be required to supplement the information provided in the Application Form upon request from the Board and/or Board Staff.
5. The Applicant must be prepared to present their project in person to Board Staff, at the request of the Board and/or Board Staff. Such a request for an in-person presentation should in no way be construed as foreshadowing the selection or non-selection of an Application for participation in the Community Solar Energy Pilot Program.
6. Following the close of the Application Period, each Application will be carefully reviewed and evaluated by Board Staff. Projects will be presented to the Board for approval for participation in the Community Solar Energy Pilot Program beginning with the highest-scored project, and until the allocated program capacity for that Program Year is filled.
7. In reviewing each application, Board Staff may consult with the New Jersey Department of Environmental Protection, the New Jersey Department of Agriculture, or other state agencies as are relevant to the application.
8. Board Staff may reject Applications that are incomplete at the close of the Application Period, that are not in compliance with the rules and regulations established in N.J.A.C. 14:8-9, or that do not meet a minimum standard for selection, as set forth in this Application Form.
9. In the review and/or approval of an Application, the Board may attach specific conditions which must be fulfilled in order to obtain final approval to participate in the Pilot Program.
10. As per N.J.A.C. 14:8-9.3(c), approved projects are expected to begin construction within 6 months of their approval by the Board, and are expected to become fully operational within 12 months of their approval by the Board. Extensions may be granted by Board Staff at its discretion, based on its assessment of the specific circumstances of each project.
11. By submitting an Application, the Applicant acknowledges notice on behalf of all project participants that the information included in the application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Aggregated information may be used by the

Board and/or other state, federal, county, regional or local agencies in reports and evaluations, and the geographic location may be used to update Geographic Information System mapping. Applicants may identify sensitive and trade secret information that they wish to keep confidential by submitting them in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.

12. Amendments or supplements to the Community Solar Energy Pilot Program Application Form will be made available via the Board website at www.nj.gov/bpu and the NJCEP website at www.njcleanenergy.com. This Application Form may be modified for future Application Periods at any time without prior notification.

Applications submitted via facsimile or electronic mail will not be accepted. Applications must be received no later than 5:00 P.M. on the date of the close of the Application Period in order to be considered. Mail or hand-deliver nine complete Application packages to:

Community Solar Energy Pilot Program Application Package
New Jersey Board of Public Utilities
44 South Clinton Avenue, 7th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
Attn: Office of Clean Energy

Section B: Community Solar Energy Project Description

Instructions: Section B must be completed in its entirety. Any attachments should be placed at the back of the Application package.

I. Applicant Contact Information

Applicant Company/Entity Name (if applicable): _____

First Name: _____ Last Name: _____

Daytime Phone: _____ Email: _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Applicant is: Community Solar Project Owner Community Solar Facility Installer/Developer
 Property/Site Owner Subscriber Organization
 Agent (if agent, what role is represented) _____

II. Community Solar Project Owner.

Community Solar Project Owner Company/Entity Name (if applicable): _____

First Name: _____ Last Name: _____

Daytime Phone: _____ Email: _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip Code: _____

III. Property/Site Owner Information

Property Owner Company/Entity Name (if applicable): _____

First Name: _____ Last Name: _____

Daytime Phone: _____ Email: _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip Code: _____

IV. Community Solar Facility Contractor/Installer/Developer if known (who will construct the Facility?)

Company Name (if applicable): _____

First Name: _____ Last Name: _____

Daytime Phone: _____ Email: _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip Code: _____

V. Community Solar Subscriber Organization

Subscriber Organization Company/Entity Name (if applicable): _____
First Name: _____ Last Name: _____
Daytime Phone: _____ Email: _____
Applicant Mailing Address: _____
City: _____ State: _____ Zip Code: _____

VI. Proposed Community Solar Facility Characteristics

Community Solar Facility Size: _____ MW AC _____ MW DC
Community Solar Location (Address): _____
Name of Property (if applicable): _____
Property Block and Lot Number(s): _____
Community Solar Municipality: _____ County: _____
Zip Code: _____
Total Acreage of Property: _____ acres
Total Acreage of Community Solar Facility: _____ acres
EDC electric service territory in which the proposed community solar facility is located: *(select one)*
 Atlantic City Electric Jersey Central Power & Light
 Public Service Electric & Gas Rockland Electric Co.

Attach a delineated map of the portion of the property on which the community solar facility will be located.

VII. Community Solar Facility Siting

1. The Applicant has completed the NJDEP Permit Readiness Checklist, and submitted it to the NJDEP’s Office of Permit Coordination and Environmental Review (“PCER”) Yes No
If “Yes”, the Applicant must attach a copy of the completed Permit Readiness Checklist that was submitted to the NJDEP PCER. Note that an Application will be deemed incomplete if it does not include a copy of the completed Permit Readiness Checklist.
2. The Applicant has met with, or is scheduled to meet with, the NJDEP’s Office of Permit Coordination and Environmental Review (“PCER”) Yes No
If “Yes”, the Applicant must attach a proof of a meeting, or scheduled meeting, with the NJDEP PCER. Note that an Application will be deemed incomplete if it does not include evidence of a meeting or scheduled meeting with the NJDEP PCER.
3. The proposed community solar facility is located, in part or in whole, on preserved farmland, as defined in N.J.A.C. 14:8-9.2 Yes No

*Preserved farmland is defined in N.J.A.C. 14:8-9.2 as land from which a permanent development easement was conveyed and a deed of easement was recorded with the county clerk’s office pursuant to N.J.S.A. 4:1C-11 et seq.; land subject to a farmland preservation program agreement recorded with the county clerk’s office pursuant to N.J.S.A. 4:1C-24; land from which development potential has been transferred pursuant to N.J.S.A. 40:55D-113 et seq. or N.J.S.A. 40:55D-137 et seq.; or land conveyed or dedicated by agricultural restriction pursuant to N.J.S.A. 40:55D-39.1.

- 4. The proposed community solar facility is located, in part or in whole, on Green Acres preserved open space, as defined in N.J.A.C. 14:8-9.2, or on land owned by the New Jersey Department of Environmental Protection Yes No

If “Yes”, the Applicant must attach special authorization from the New Jersey Department of Environmental Protection for the site to host a community solar facility.

*Green Acres preserved open space is defined in N.J.A.C. 14:8-9.2 as land classified as either “funded parkland” or “unfunded parkland” under N.J.A.C. 7:36, or land purchased by the State with “Green Acres funding” (as defined at N.J.A.C. 7:36).

- 5. The proposed community solar facility is located, in part or in whole, on land that has been actively devoted to agricultural or horticultural use and that is/has been valued, assessed, and taxed pursuant to the “Farmland Assessment Act of 1964,” P.L. 1964, c.48 (C. 54:4-23.1 et seq.) at any time within the ten year period prior to the date of submission of the Application Yes No

- 6. The proposed community solar facility is located, in part or in whole, on a landfill Yes No
Name of the landfill, as identified in the NJDEP’s database of New Jersey landfills, available at www.nj.gov/dep/dshw/lrm/landfill.htm: _____

- 7. The proposed community solar facility is located, in part or in whole, on a brownfield Yes No
If “Yes”, Has a final remediation document been issued for the property? Yes No
If “Yes”, attach a copy of the Response Action Outcome (“RAO”) issued by the LSRP or the No Further Action (“NFA”) letter issued by the NJDEP.

- 8. The proposed community solar facility is located, in part or in whole, on an area of historic fill Yes No
If “Yes”, have the remedial investigation requirements pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-4.7 been implemented? Yes No

Has the remediation of the historic fill been completed pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.4? Yes No

If the remediation of the historic fill has been completed, attach a copy of the Response Action Outcome (“RAO”) issued by a Licensed Site Remediation Professional (“LSRP”) or the No Further Action (“NFA”) letter issued by the NJDEP.

9. The proposed community solar facility is located on a parking lot Yes No

10. The proposed community solar facility is located on a parking deck Yes No

11. The proposed community solar facility is located on a rooftop Yes No

12. The proposed community solar facility is located on a right-of-way Yes No

13. The proposed community solar facility is located on a canopy over an impervious surface (e.g. walkway) Yes No

14. The proposed community solar facility is located on the property of an affordable housing complex Yes No

15. The proposed community solar facility is located on an area designated in need of redevelopment Yes No
If “Yes”, attach proof of the designation of the area as being in need of redevelopment from a municipal, county, or state entity.

16. The proposed community solar facility is located a site designated as “preferred” in the NJ Department of Environmental Protection Solar Siting Analysis Yes No

17. The proposed community solar facility is located on land or a building that is preserved by a municipal, county, state, or federal entity Yes No
If “Yes”, attach proof of the designation of the area as “preserved” from a municipal, county, or state entity.

18. The proposed community solar facility is located, in part or in whole, on forested lands Yes No
Construction of the proposed community solar facility will require cutting down one or more trees Yes No
If “Yes”, estimated number of trees required to be cut for construction: _____

19. The proposed community solar facility is located on land or a building owned or controlled by a government entity, including, but not limited to, a municipal, county, state, or federal entity Yes No

20. Are there any use restrictions at the site? Yes No
 If "Yes", explain the use restriction below and provide documentation that the proposed community solar project is not prohibited.

Will the use restriction be required to be modified? Yes No
 If "Yes", explain the modification below.

21. What permits and/or approvals, if any, have been received from the NJDEP (i.e. Land Use, Air Quality, NJDES, etc.) directly related to the installation and operation of the solar facility on this property? Please list all permits and/or approvals and attach copies. Attach additional pages if necessary.

Permit Description	Permit Number	Date Permit Issued	Copy Attached
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

22. What other permits and/or approvals, if any, have been received from the NJDEP (i.e. Land Use, Air Quality, NJDES, etc.) for the property? Please list all permits and/or approvals and attach copies. Attach additional pages if necessary.

Permit Description	Permit Number	Date Permit Issued	Copy Attached
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

			<input type="checkbox"/> Yes <input type="checkbox"/> No
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23. The proposed community solar facility has been specifically designed or planned to preserve or enhance the site (e.g. landscaping, land enhancements, pollination benefits, storm water management, etc.) Yes No
 If "Yes", explain below, and provide any additional documentation in an attachment.

24. A decommissioning plan has been designed for the proposed community solar facility, and all due measures have been or will be enacted to implement this decommissioning plan.
 Yes No
 If "Yes", attach a copy and/or explanation of the decommissioning plan.

VIII. Community Solar Subscriptions and Subscribers

1. Estimated or Anticipated Number of Subscribers: _____

2. Estimated or Anticipated Breakdown of Subscribers (as a *range, numeric value and/or percentage*):

Residential: _____ Commercial: _____
 Industrial: _____ Other: _____

3. The proposed community solar project is an LMI project Yes No
 Estimated or Anticipated Percentage of LMI Subscribers: _____

4. The proposed community solar project is being developed in partnership with an affordable housing provider: Yes No
 If "Yes", attach a letter of support from the affordable housing provider (*optional*).

5. An affordable housing provider is seeking to qualify as an LMI subscriber for the purposes of the community solar project Yes No
 If "Yes", estimated or anticipated percentage of the project capacity for the affordable housing provider's subscription: _____

If "Yes", what specific, substantial, identifiable, and quantifiable long-term benefits from the community solar subscription are being passed through to their residents/tenants?

Additionally, the affordable housing provider must attach a signed affidavit that said specific, substantial, identifiable, and quantifiable long-term benefits from the community solar subscription will be passed through to their residents/tenants.

6. This project uses an anchor subscriber Yes No
If "Yes", name of the anchor subscriber (*optional*): _____
Estimated or anticipated percentage of the project capacity for the anchor subscriber's subscription: _____

7. Is there any expectation that the account holder of a master meter will subscribe to the community solar project on behalf of his or her tenants? Yes No
If "Yes", what specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription are being passed through to the tenants?

Additionally, the account holder of the master meter must attach a signed affidavit that specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription will be passed through to the tenants.

If "No", please be aware that, if, at any time during the operating life of the community solar project, the account holder of a master meter wishes to subscribe to the community solar project on behalf of his or her tenants, he or she must submit to the Board a signed affidavit that specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription will be passed through to the tenants.

8. The geographic restriction for distance between project site and subscribers is: (*select one*)
- No geographic restriction: whole EDC service territory
 - Same county OR same county and adjacent counties
 - Same municipality OR same municipality and adjacent municipalities

Note that the geographic restriction selected here will apply for the lifetime of the project, barring special dispensation from the Board per N.J.A.C. 14:8-9.5(a).

9. Product Offering: (*Applicant must also complete and attach one or more product offering form(s) found in Appendix A*)

The subscription proposed offers guaranteed **or fixed** savings to subscribers Yes No
If "Yes", the proposed savings represent:

- 0% - 5% of the customer's annual electric utility bill
- 5% - 10% of the customer's annual electric utility bill
- 10% - 20% of the customer's annual electric utility bill

The subscription proposed offers subscribers ownership or a pathway to ownership of a share of the community solar facility Yes No

10. The list of approved community solar projects will be published on the Board of Public Utilities website. Additionally, subscriber organizations have the option of indicating, on this list, that the project is currently seeking subscribers.

If this project is approved, the Board should indicate on its website that the project is currently seeking subscribers Yes No

If "Yes", the contact information indicated on the Board's website should read:

Company/Entity Name: _____ Contact Name: _____
 Daytime Phone: _____ Email: _____

Note: it is the responsibility of the project's subscriber organization to notify the Board if/when the project is no longer seeking subscribers, and request that the Board remove the above information on its website.

IX. Community Engagement

1. The proposed community solar project is being developed in collaboration with the municipality in which the project is located Yes No
 If "Yes", explain how. Attach a letter of support from the municipality in which the project is located (*optional*).

2. The proposed community solar project is being developed in collaboration with one or more local community organization(s) Yes No
 If "Yes", explain how. Attach a letter of support from the local community organization(s) (*optional*).

3. The proposed community solar project was developed, at least in part, through a community consultative process Yes No
 If "Yes", please describe the consultative process:

4. The proposed community solar project will employ local hires (New Jersey residents) Yes No
 If "Yes", estimated number of jobs created: _____

5. The proposed community solar project will provide job training opportunities for local solar trainees (New Jersey residents) Yes No
 If "Yes", identify the entity or entities through which job training is or will be organized:

X. Project Maturity and Timeline

- Estimated date of project completion (*assuming that project is approved by the Board in XXX, 20XX*): (month) _____ (year) _____
- Estimated date subscribers will first receive bill credits (*assuming that project is approved by the Board in XXX, 20XX*): (month) _____ (year) _____
- The proposed community solar project has received a preliminary feasibility study from the EDC in which it is located Yes No
 If "Yes", attach a copy of the feasibility study.
- The proposed community solar project has applied for and/or received permits other than those received from the NJDEP for the development, construction, or operation of the community solar facility (e.g. municipal, state, interconnection, etc.) Yes No
 Please list all permits and/or approvals (other than those received from the NJDEP) and attach copies. Attach additional pages if necessary.

Permit Description	Permit Number	Date Permit Issued	Copy Attached
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

5. The proposed community solar project has site control Yes No
 If "Yes", attach proof of site control.

* Site control is defined as property ownership or option to purchase, signed lease or option to lease, or signed contract for use or option for contract for use.

XI. Project Cost

Provide the following cost estimates, and attach substantiating evidence in the form of charts and/or spreadsheet models:

Net Installed Cost (in \$)	
Net Installed Cost (in \$/Watt)	
Initial Customer Acquisition Cost (in \$/Watt)	
Annual Customer Churn Rate (in %)	
Annual Operating Expenses (in c/kWh)	
LCOE (in c/kWh)	

This Project Cost information and supporting evidence is hereby designed as [Confidential and/or Trade Secret] and not approved for publication in disaggregated form Yes No

XII. Grid Benefits

1. The proposed community solar facility is paired or forward-compatible with a micro-grid project Yes No
2. The proposed community solar facility is paired or forward-compatible with storage Yes No
3. The proposed community solar facility provides grid benefits (e.g. congestion reduction) Yes No
If "Yes", please explain how and provide supporting documents.

XIII. Special Exemptions and Authorizations

1. Is the proposed community solar project co-located with another proposed or existing solar facility? Yes No
If "Yes", please explain why the co-location should be approved by the Board.
2. Does this project seek an exemption from the 10-subscriber minimum? Yes No

If “Yes”, please demonstrate below (and attach supporting documents as needed):

- a. That the project is sited on the property of a multi-family building.
- b. That the project will provide specific, identifiable, and quantifiable benefits to the households residing in said multi-family building.

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Section C: Certifications

Instructions: Original signatures on all certifications are required. All certifications in this section must be notarized.

Applicant Certification

The undersigned warrants, certifies, and represents that:

- 1) I, _____ (name) _____, am the _____ (title) _____ of the Applicant (name) _____ and have been authorized to file this Applicant Certification on behalf of my organization.
- 2) The information provided in this application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned’s knowledge, based on personal knowledge or on inquiry of individuals with such knowledge. And
- 3) The community solar facility proposed in the application will be constructed, installed, and operated as described in the application and in accordance with all Board rules and applicable laws;
- 4) The system proposed in the application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program;
- 5) ~~All signing parties~~ My organization understands that certain information in this application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 6) ~~All signing parties~~ My organization acknowledges that **submission of false information may be grounds for denial of this application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.**

Signature: _____

Print Name: _____

Date: _____

Signed and sworn to before me on this _____ day of _____, 20__

Signature

Name

Project Installer / Developer Certification

The undersigned warrants, certifies, and represents that:

- 1) The information provided in this application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals with such knowledge; and
- 2) The system proposed in the application will be constructed, installed, and operated as described in the application and in accordance with all Board rules and applicable laws;
- 3) The system proposed in the application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program;
- 4) All signing parties understand that certain information in this application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 5) All signing parties acknowledge that **submission of false information may be grounds for denial of this application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.**

Signature: _____

Print Name: _____

Date: _____

Signed and sworn to before me on this _____ day of _____, 20__

Signature

Name

Project Owner Certification

The undersigned warrants, certifies, and represents that:

- 1) The information provided in this application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals with such knowledge; and
- 2) The system proposed in the application will be constructed, installed, and operated as described in the application and in accordance with all Board rules and applicable laws;
- 3) The system proposed in the application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program;
- 4) All signing parties understand that certain information in this application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 5) All signing parties acknowledge that **submission of false information may be grounds for denial of this application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.**

Signature: _____

Print Name: _____

Date: _____

Signed and sworn to before me on this _____ day of _____, 20__

Signature

Name

Property Owner Certification

The undersigned warrants, certifies, and represents that:

- 1) The information provided in this application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned's knowledge, ~~based on personal knowledge or on inquiry of individuals with such knowledge~~; and
- 2) ~~The system proposed in the application will be constructed, installed, and operated as described in the application and in accordance with all Board rules and applicable laws;~~
- 3) ~~The system proposed in the application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program;~~
- 4) ~~All signing parties~~ My organization understands that certain information in this application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 5) ~~All signing parties~~ My organization acknowledges that **submission of false information may be grounds for denial of this application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.**

Signature: _____

Print Name: _____

Date: _____

Signed and sworn to before me on this _____ day of _____, 20__

Signature

Name

Subscriber Organization Certification

The undersigned warrants, certifies, and represents that:

- 1) The information provided in this application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned’s knowledge, based on personal knowledge or on inquiry of individuals with such knowledge; and
- 2) The system proposed in the application will be constructed, installed, and operated as described in the application and in accordance with all Board rules and applicable laws;
- 3) The system proposed in the application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program;
- 4) All signing parties understand that certain information in this application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 5) All signing parties acknowledge that **submission of false information may be grounds for denial of this application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.**

Signature: _____

Print Name: _____

Date: _____

Signed and sworn to before me on this _____ day of _____, 20__

Signature

Name

Section D: Appendix

Appendix A: Product Offering Questionnaire

Fill out the following Product Offering Questionnaire. If there are multiple different product offerings for the proposed community solar project, please fill out and attach one Product Offering Questionnaire per product offering.

This Questionnaire is Product Offering number _____ of _____ (total number of product offerings).

1. Community Solar Subscription Type: *(check one)*

- Fixed kilowatt hours per year
- Fixed kilowatt size
- Fixed percentage of community solar facility's nameplate capacity
- Fixed percentage of subscriber's historical usage
- Other: _____

2. Community Solar Subscription Price: *(check all that apply)*

- Fixed price per month
- Variable price per month, variation based on: _____
- The subscription has an escalator of _____ % per year (or other period: _____)

3. Contract term: _____ months, or _____ years

4. Fees

- Sign-up fee: _____
- Early Termination or Cancellation fees: _____
- Other fee(s): _____

5. Does the subscription guarantee **or offer fixed** savings or specific, quantifiable economic benefits to the subscriber? Yes No

If "Yes", the savings are guaranteed **or fixed**:

- As a percentage of monthly utility bill
- As a fixed guaranteed savings compared to average historic bill
- Other: _____

6. How will the subscriber organization manage defaults and subscription churn?

Appendix B: Evaluation Criteria

The Evaluation Criteria chart below lists the various categories that the Board will consider in evaluating project Applications. Projects must score a minimum 40 points total in order to be considered for participation in the Community Solar Energy Pilot Program. **Projects that score above 40 points will be awarded program capacity in order, starting with the highest-scoring project and proceeding to the lowest-scoring project.**

Evaluation Criteria	Max. Points
<p>Siting Higher preference (16 points): landfills, brownfields, areas of historic fill, rooftops, parking lots, parking decks, water reservoirs Medium preference (8 points): rights-of-way, canopies over impervious surfaces (e.g. walkway), areas designated in need of redevelopment, farmland that remains in agricultural production Not preferred (0 points): preserved land, wetlands, forested area, farmland not remaining in agricultural production Bonus points for: landscaping, land enhancement, pollination support, storm water management, decommissioning plan (for a maximum of 20 points in this category)</p>	20
<p>Subscribers and Environmental Justice Higher preference: LMI project, with real benefits to the LMI subscribers, more than 50% kWh assigned to residential subscribers, located in environmentally disadvantaged community (as defined by DEP)</p>	20
<p>Product Offering Higher preference: guaranteed or fixed savings >10%, flexible terms Medium preference: guaranteed or fixed savings >5% Not preferred: no Guaranteed or fixed savings</p>	20
<p>Cost in \$/kW installed Higher preference: lowest cost</p>	10 -0
<p>Community and Environmental Justice Engagement Higher preference (10 points): partnership with municipality, partnership with local community organization(s), partnership with partnership with affordable housing provider, provides local jobs/job training Medium preference (5 points): letter of support from municipality, project owner is a government and/or public and/or quasi-public entity, project owner is an affordable housing developer</p>	10
<p>Other Benefits Paired with storage, micro-grid project, energy audit, EE measures</p>	10 -0
<p>Geographic Limit Higher preference (10 points): municipality/adjacent municipality Medium preference (5 points): county/adjacent county No preference (0 points): any geographic location within the EDC service territory.</p>	5-10

Project Maturity

5-20

Higher preference (16 points): EDC feasibility study received, permits received, site control received

Medium preference (8 points): EDC feasibility study applied for, permits applied for, conditional site control (e.g., option agreement conditioned on program capacity award)

Bonus points for: other relevant project-development milestones (for a maximum of 20 points in this category)

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Community Solar Subscriber Organization Registration Form

Instructions for Completing the Community Solar Subscriber Organization Registration Form

The following Registration Form is intended only for community solar subscriber organizations wishing to register with the New Jersey Board of Public Utilities in order to conduct business pertaining to community solar in the State of New Jersey, pursuant to N.J.A.C. 14:8-9.10(a).

A “community solar subscriber organization” or “subscriber organization”, as defined in N.J.A.C. 14:8-9.2, is an entity, duly registered with the New Jersey Board of Public Utilities, which works to acquire original subscribers for a community solar project and/or acquires replacement subscribers over the lifetime of a community solar project and/or manages subscribers for a community solar project. The community solar subscriber organization may or may not be, in whole, in part, or not at all, organized by the community solar developer, community solar owner, or community solar operator. Furthermore, multiple subscriber organizations may work on one single community solar project; *each* of them must submit a Registration Form.

A subscriber organization wishing to operate in New Jersey is required to complete and submit this form at least 30 days prior to first conducting business operations in New Jersey related to community solar. Failure to comply may result in a temporary or permanent prohibition from conducting business related to community solar in New Jersey. The Certification under Oath must be notarized.

Subscriber organizations must submit this form only once, unless there is a material change to the content of the registration form, at which time a new registration form must be submitted.

Registration Forms should be mailed or hand-delivered to:

Community Solar Energy Pilot Program
New Jersey Board of Public Utilities
44 South Clinton Avenue, 7th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
Attn: Office of Clean Energy

Alternatively, the Registration Forms may also be sent via email to: **XXXX**

Community Solar Subscriber Organization Registration Form

1. Legal Name of Registrant: _____
D/B/A or Trade Name (if applicable): _____

2. Address: _____
City: _____ State: _____ Zip: _____
Daytime Telephone Number: (____) _____ Fax: (____) _____
E-mail address: _____
Website URL: _____

3. Business Address in New Jersey **if any** (if different from above): _____
City: _____ State: _____ Zip: _____
Daytime Telephone Number: (____) _____ Fax: (____) _____
E-mail address: _____
Website URL: _____

4. Federal Tax Number: _____

5. Contact First Name: _____ Last Name: _____
Title: _____
Daytime Telephone Number: (____) _____ Fax: (____) _____
E-mail address: _____

*The Contact must be knowledgeable of the Registrant's operations and available to answer requests and inquiries from the Board during normal business hours.

6. Contact information for any parent company or other corporate entity with an ownership interest of 10 percent or more of the Registrant: *(attach additional pages if necessary)*
Legal Name of Applicant: _____
D/B/A or Trade Name (if applicable): _____
Address: _____
City: _____ State: _____ Zip: _____
Daytime Telephone Number: (____) _____ Fax: (____) _____

7. Approximate number of people employed **and/or contracted** by the Registrant who will be operating in New Jersey on matters related to community solar: _____

8. Has the registrant, any senior officer of the registrant, or any corporate entity with an ownership interest of 10 percent or more of the registrant ever been under investigation in New Jersey or any other state or federal jurisdiction, received any criminal or regulatory sanctions, filed a petition in bankruptcy or reorganization or been affiliated with any entity that has filed a

petition in bankruptcy or reorganization? Yes No

If "Yes", identify the entities or individuals subject to investigation or sanctions and provide a detailed explanation of the investigation or sanctions:

9. Disclose any decisions or pending escalated regulatory actions in New Jersey or other states that affect the registrant's ability to operate in New Jersey, such as suspension, revocation, bankruptcy, or limitation of operating authority:

10. List the types of services or products to be offered by the Registrant in New Jersey in connection to community solar: *(attach additional pages if necessary)*

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Certification under oath

1. I, _____ (name) _____, hereby certify that I am the _____ (title) _____ of the registered community solar subscriber organization _____ (name) _____ and have been authorized to file this Registration Form and Certification on behalf of my organization.
2. I hereby certify that I have carefully examined all of the statements contained in this Registration Form and in the attachments hereto and made a part hereof, that I have knowledge of the matters set forth herein, that all statements made and matters set forth herein are true and correct to the best of my knowledge, information, and belief and that I know of no material omission. I am aware that submitting false or misleading information in connection with this Registration Form is ground for revocation of registration and may subject me, the registered community solar subscriber organization, and other responsible persons on behalf of the registered community solar subscriber organization to penalties of perjury, as well as to other civil or criminal penalties.
3. I hereby certify that the registered community solar subscriber organization agrees to comply with all standards, rules and regulations applicable to this registration, in accordance with N.J.A.C. 14:8-9 or as may be established by any applicable regulatory authority. I hereby certify that all individuals employed by the Registrant and who may conduct operations pertaining to community solar in New Jersey have been trained to comply with all applicable standards, rules and regulations prior to their commencing work pertaining to community solar in New Jersey.
4. I hereby certify that the registered community solar subscriber organization shall provide in a commercially reasonable manner such information as the Board or its Staff shall require in cases of dispute, compliance verification, or investigation.

Dated this _____ day of _____, 20____ at _____ (location)

Signature: _____
Signature
Name

Title

Signed and sworn to before me on this _____ day of _____, 20 at _____

Signature

Name

[NJ Clean Energy Program logo]

[Optional: Logo of community solar subscriber organization]

CUSTOMER INFORMATION		COMMUNITY SOLAR PROVIDER INFORMATION	
Customer Name:		Company Name:	
Address:		Address:	
City, State, Zip:		City, State, Zip:	
EDC electric service territory:		Contact Name:	
Phone:		Phone:	
Email:		Email:	
SUBSCRIPTION INFORMATION			Reference Page or Section
Subscription Size	<p>[Fixed XX kWh/year, or XX kWh/month]</p> <p>[Fixed XX kW]</p> <p>[XX% of community solar project nameplate capacity. Total nameplate capacity is XXX. Estimated energy produced by this % share is XXX kWh/year.]</p> <p>This subscription represents approximately [XXX%] of your annual historic electricity usage.</p>		
Subscription Model	<p>[Your total subscription cost is a one-time fixed payment of \$XX.]</p> <p>[Your subscription cost is a monthly fixed payment of \$XX/month.]</p> <p>[Your subscription cost is a variable payment of approximately \$XX/month.]</p> <p>[Description of other subscription model]</p>		
Prices and Fees	<p>[Plain language description of the price paid by subscribers per month for their subscription in \$ or \$/kWh, and total cost per month in \$.]</p> <p>If price includes both fixed and variable components, identify fixed and variable cost components separately. Identify any one-time charges separately. Identify any recurrent charges, and how often they are to be paid.</p> <p>If price is variable or not known, include:</p> <ol style="list-style-type: none"> 1) [A plain language description of the method that will be used to calculate price.] 2) [A reasonable and good faith estimate of that price, along with a clear disclaimer regarding possible variations to that estimate.] <p>Specify whether any charges may increase over the course of the contract, the conditions under which the increase may occur, and how much notice will be provided.</p> <p>If there is a cost escalator or rate, clearly identify that escalator and provide calculations for escalated price in three month increments from the contract effective date until the contract end date.]</p>		

Payment Details	[Describe billing procedure, including payment schedule (e.g. one-time, monthly, quarterly, annual), payment method, and payment due date.] You will receive: <input type="checkbox"/> An electronic invoice (sent to your email address above) <input type="checkbox"/> A paper invoice (sent to your U.S. mail address above) <input type="checkbox"/> Auto payment (via ACH)	
Benefits	Estimated annual kWh received: [XX kWh] Estimated annual credit value (\$): [\$XX] [Estimated annual savings (in \$): \$XX] [Estimated savings over the life of the contract (in \$): \$XX] Other benefits: [include all credits, incentives, or rebates that customer will receive or will sign over to the Provider, or for which the customer may be eligible].	
Penalties	[Identify any potential penalties, and under which conditions they could be charged.] If payment is more than [XX] days late, you will be charged [\$XX]	
Guarantees <u>or fixed savings</u>	[Plain language description of guaranteed savings, guaranteed performance or production, or "This contract does not guarantee savings"]	
Contract Effective Date	This contract is effective on [date].	
Contract End Date	This contract will remain in effect for [length in months or years], and end on [date], unless cancelled prior to the contract end date.	
Renewal	[Conditions for renewal of contract. If renewal is not offered, write "This contract does not have an option for renewal"]	
Estimated date bill credits will appear on your utility bill	[Month/Year]	
Early Termination or Cancellation	[Description and amount of early termination or cancellation fees. If not applicable, write "No early termination or cancellation fees apply." [Description of terms and conditions for early termination or cancellation, including process for requesting early termination or cancellation and any applicable notice periods.]	
Right to Cancel Without Penalty	In addition to any rights you have under State or local law, you have the right to terminate this contract without penalty within seven calendar days of signing the contract, by contacting your community solar provider: [Insert information identical to above].	
Data Sharing and Privacy Policy	[Include a short description of the subscriber organization's data sharing and privacy policy.]	
Other Important Terms	[Include additional information. If not applicable, write N/A]	
SYSTEM INFORMATION		
Community Solar Project Name	[Name of project]	
Project Location	[City, Zip]	
Commercial Operation Date	[Date of commercial operation, or estimated date of commercial operation if project is not yet operational.]	
Complaints and Grievances		
Complaints may be addressed first to your community solar provider. If the issue remains unresolved, please contact the Board of Public Utilities by calling 866-NJSMART (866-657-6278).		

I, _____, hereby confirm that I have received and understand the above information. I confirm that I have had a chance to ask questions of my community solar provider and have received sufficient answers. I further confirm that I have received, reviewed, and understand the full subscription contract, as it may contain provisions not included in this Disclosure Form.

Customer Signature

Date

I, _____, hereby confirm that I have fully explained the above information to the customer and answered any questions that the customer may have had completely and truthfully, to the customer's satisfaction. I certify that the above information is true and accurate to the best of my knowledge, and that it conforms with the provisions contained in the full subscription contract.

Signature from Provider Official or Representative

Date

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Instructions to Subscriber Organizations for Preparing New Jersey Community Solar Disclosure Form

1. As a subscriber organization, you are responsible for presenting a Disclosure Form to each subscriber with whom you sign a subscription agreement or contract, and for ensuring that the Disclosure Form is read, understood, and signed by the subscriber at the same time as the contract.
2. The Disclosure Form must be presented to the subscriber at the same time as their full subscription contract, and be placed as the first page of said contract.
3. All bracketed, highlighted information must be replaced with the information indicated. No information box may remain empty. The brackets and highlighting should be removed. All information must be typed or legibly printed.
4. Text that is not bracketed or highlighted may not be removed or edited. Rows and columns may not be rearranged or removed.
5. Information should be kept accurate and concise. The fully completed Disclosure Form should not exceed three pages in length.
6. Color, font type, and font size may be modified so long as the following conditions are met:
 - a. The color and font type are standard.
 - b. The modification does not hamper legibility of the Disclosure Form.
 - c. Font size is no smaller than 10 point.
7. Subscribers must be assigned to a specific community solar project. The "System Information" section must be filled out.
8. The right-hand column "Reference Page or Section" must be completed with the reference page and/or section numbers of the contract corresponding to each category in the Disclosure Form.
9. The Disclosure Form should be signed by the same subscriber organization official or representative who signs the contract with the subscriber.
10. If it is possible for the term of the contract to commence more than 30 days after the contract's effective date, then the subscription organization must send the customer a supplemental notice within 14 days of the date the term actually commences.
11. In the "Community Solar Provider Information" section, provide a contact name, phone, and email that will be responsive to customer inquiries during normal business hours.
12. In the "Subscription Size" section, complete one of the three options. Delete the other two options.
13. In the "Subscription Model" section, complete one of the four options. Delete the other three options.
14. The "Prices and Fees" section must include an exhaustive list and description of all applicable fees including, but not limited to: security deposit, application fee, subscription reduction fee, late payment fee, and fees associated with payment methods. Total Cost or Total Estimated Cost must be included for purchase contracts. This section should note whether fees are refundable or nonrefundable. If prices or fees are estimated or subject to change, in part or in whole, this section must include: clear notice of possible price changes, plain language description of the method for calculating exact cost, and a good faith and reasonable estimate of actual cost. Include an approximate payment schedule type (one-time, monthly, quarterly, annual, etc.). Any early termination or cancellation fees must be disclosed separately, in the appropriate "Early Termination or Cancellation" section. Note that subscriber organizations may not charge customers a fee, penalty, or other charge that was not made explicit in the Disclosure Form.
15. In the "Benefits" section: complete bracketed information. Where information is estimated, provide a good faith and reasonable estimate, and specify the conditions under which that estimate may change. If the subscriber organization has presented estimated cost savings to the customer, the Disclosure Form must state the customer's actual or assumed current electricity rate in cents or dollars/kWh and any projected savings represented to a potential subscriber shall include a comparison that projects future electricity rates increasing at not more than 1% per year. If there are no estimated savings, delete the "Estimated one-year savings" and "Estimated savings over the life of the contract" lines.

December 20, 2018

Aida Camacho-Welch, Secretary
NJ Board of Public Utilities
PO Box 350
Trenton, NJ 08635

RE: Community Solar application comments

Dear Secretary Camacho:

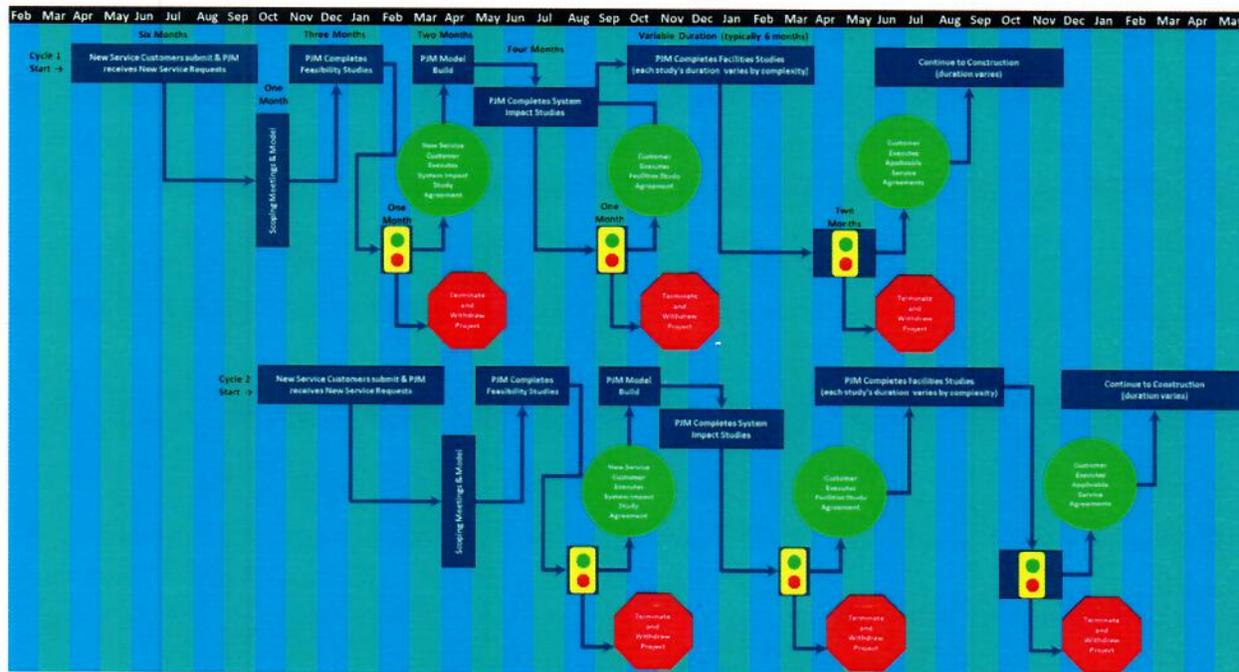
Please accept the following comments from AC Power regarding New Jersey's Community Solar Energy Pilot Program's draft Application Form and questions. AC Power is a developer and investor in the renewable power generation space with a focus on solar power development in New Jersey. Our team brings a unique combination of development, technical, legal and investment experience to expertly assess and mitigate risks early on in the development process in order to ensure all projects in our portfolio successfully transition to operating power plants. AC Power is currently developing 5 solar projects on landfills in New Jersey and has several potential projects for submission to the Community Solar Program.

Interconnection: AC Power learned at the stakeholder meeting that the BPU is considering using the PJM interconnection process for the Community Solar (CS) Program. AC Power has several concerns with that approach.

1. The PJM queue and interconnection planning process is standardized and therefore it is assumed that CS projects would need to comply with their process. The process, pasted below, has two queue cycles and then periods under which the interconnection feasibility study, impact study and facilities report are completed. The process takes approximately 26 months to generate an Interconnection Agreement. Clearly, this long lead time would not meet the construction objectives of the CS Program, which are that projects start construction 6 months after approval and are operational 12 months after approval.
2. To meet the CS Program timeline, a project would have nearly completed the interconnection process before applying to the CS Program. This presents another issue as the PJM process costs nearly \$100,000 and given that the CS Program is competitive, projects would be going through the interconnection process without any certainty of approval.
3. If this approach is taken then it will be several years before the CS Program is operational which is not an outcome any stakeholders want to see.
4. A possible solution would be to ensure that PJM and all of the EDCs agree to a combined study process which means that interconnection agreements would be issued after the feasibility stage. So, if a project was submitted to PJM in March 2019 the feasibility study and interconnect agreement would be available by November 2019. A CS project could start construction at that time. However, if a project is submitted in April 2019 the feasibility study

would not be considered until the following queue and the interconnection agreement would be available in April 2020, which is a long review process. Perhaps PJM and the EDCs would agree to conduct the studies outside of their process however that may be complicated.

- The better approach and one pursued in most other states is to conduct the interconnect application at the distribution level directly to the EDCs. Under net metering application, which is similar, the process takes a few months. This is consistent with the feedback from at least a couple of the EDCs at the initial CS Program stakeholder meetings in July 2018. This would allow projects to be considered on an ongoing, rolling basis.



Application Period: The application period should be open for 3 months and applications should be considered for approval as they are submitted and once the program limit is reached then the application period could be closed. Projects should not have to wait for the application period to have their projects review for approval.

AC Power also suggests that if an eligible project does not get approved for a calendar year that it should be pre-approved for the following year so that the developer has the incentive to continue developing the project and it will be ready to start construction the next application period. If projects are not pre-approved then developers will not continue to invest time and resources into the project and it could generate negative opinions about the CS Program and whether it is worth pursuing project under the program.

Permits and Interconnect Approval: Projects should not be required to have all permits or interconnection approvals prior to submitting an application for a few reasons:

1. Given that the CS Program is a competitive process and the projects may not be approved, there is considerable downside to the project, developer and overall CS Program if an individual project goes through an entire municipal site application process and gets Board approval and public support for a project and then is not selected. This scenario would generate negative feedback and a lot of misunderstandings.
2. Furthermore, the cost to fully permit and interconnect a project without certainty of acceptance is expensive and requires a significant amount of time and effort. If a project is on a landfill, as are the majority of CA Power's projects, the development costs are between \$100,000 and \$200,000.
3. AC Power would suggest that projects get letters of support or other supporting documentation from all key agencies and stakeholders. As part of AC Power's project development process we meet with all key parties at the very onset of project development to ensure support of the project and ensure there are no red flags. We agree that the approach of submitting a Permit Readiness Checklist is an excellent approach to ensure support from DEP and all of the departments that may be involved in the project such as wetlands, solid waste, land use, etc. Furthermore, we have initial meetings with the municipality and county to inquire about the site approval process and ensure the project can receive the approval. We follow the same approach with Pinelands as applicable. We believe these supporting documents should be included in an application and increase the projects likelihood for acceptance.

Facility Siting Criteria: AC Power suggests adding language asking whether the proposed CS facility is located on a former sand and gravel pit. Inclusion of sand and gravel pits as preferred sites for solar is consistent with criteria for other preferable sites. The sites are remote, denuded of topsoil and vegetation and have not been redeveloped. The sites are not designated open space. AC Power believes these are ideal sites for the CS Program and these sites have been considered over time by the BPU but never explicitly eligible under an active sub-section.

AC Power suggests giving sand and gravel pits the highest eligibility ranking along side landfills.

Draft Criteria: AC Power believes that the criteria and ranking should be very clear so that when contemplating a project for submission a developer can have a clear indication of how the project would rank.

AC Power suggests eliminating the criteria of 'cost in \$/kw' because it unfairly penalizes landfill projects which are significantly more expensive to develop. Including this criteria could essentially wipe out their favorable ranking for siting.

AC Power suggests the following changes to the draft Evaluation Criteria:

Siting:	
Higher preference: landfills, brownfields, areas of historic fill, sand and gravel pits , rooftops, parking lots, parking decks	30
Medium preference: rights-of-way, canopies over impervious surfaces (e.g. walkway), areas designated in need of redevelopment	20
Not preferred: preserved land, wetlands, forested area, farmland, storm water management, decommissioning	10
Subscribers and Environmental Justice:	
Higher preference: LMI project, with real benefits to the LMI subscribers, more than 50% kWh assigned to residential subscribers, in environmentally disadvantaged community (as defined by DEP)	20
Product Offering:	
Higher preference: guaranteed savings >10%, flexible terms	20
Medium preference: guaranteed savings >5%	10
Not preferred: no Guaranteed savings	0
Cost in \$/kW installed	
Higher preference: lowest cost	
Community and Environmental Justice Engagement	
Higher preference: partnership with municipality, partnership with local community organization(s), partnership with partnership with affordable housing provider, provides local jobs/job training	10
Medium preference: letter of support from municipality, project owner is a government and/or public and/or quasi-public entity, project owner is an affordable housing developer	5
Other Benefits	
Paired with storage, micro-grid project, energy audit, EE measures	
Geographic Limit	
Higher preference: municipality/adjacent municipality	
Medium preference: county /adjacent county	
No preference: any geographic location within the EDC service territory.	
Project Maturity:	

Higher preference: EDC feasibility study received, permits received, site control received	20
Medium preference EDC feasibility study applied for, DEP meeting and report, letters of support from agencies and stakeholders, permits applied for, conditional site control	15

Thank you for the opportunity to submit comments.

Warm regards,



Annika Colston

President and Founder



Aida Camacho-Welch
New Jersey Board of Public Utilities
Post Office Box 350
Trenton, New Jersey 08625

Re: Comments on Draft Community Solar Energy Pilot Program Application Form

Dear Ms. Camach-Welch,

We suggest the Board consider waiving the below two requirements for rooftop sited community solar project applications. These steps are not required for existing (behind the meter) rooftop solar projects. No NJDEP permit is historically typically required for rooftop solar.

Per Section VII:

VII. Community Solar Facility Siting

The Applicant has completed the NJDEP Permit Readiness Checklist, and submitted it to the NJDEP's Office of Permit Coordination and Environmental Review ("PCER") Yes No

If "Yes", the Applicant must attach a copy of the completed Permit Readiness Checklist that was submitted to the NJDEP PCER. Note than an Application will be deemed incomplete if it does not include a copy of the completed Permit Readiness Checklist.

2. The Applicant has met with, or is scheduled to meet with, the NJDEP's Office of Permit Coordination and Environmental Review ("PCER") Yes No

If "Yes", the Applicant must attach a proof of a meeting, or scheduled meeting, with the NJDEP PCER. Note than an Application will be deemed incomplete if it does not include evidence of a meeting or scheduled meeting with the NJDEP PCER.

Thank you for your consideration.

Regards,

Elaine Charlebois
Altus Power America
(203) 698-0090

As a long-time State regulator who has dealt with rule-makings for almost 40 years, I recommend that, as I believe that the Board likely intends to do, that you keep these documents out of the final rule proposal as much as possible.

This is, by legislation, a 3 year Community Solar pilot program in which the Board is expected to make annual changes via Board Order. Most pilot programs typically do not have official rule-makings, the legal requirements are normally set by Board Orders. However, because the legislation requires a rule-making for this Community Solar pilot, I urge that the Board retain to yourself as much discretion as possible within the parameters of the law.

I have attended several BPU Community Solar hearings and stakeholder sessions as well as submitted 2 sets of comments on the entire Community Solar Pilot. I strongly support the direction in which you are headed and commend you for your efforts. As I think is the case, the BPU staff needs to continue to work closely with the developers on the specifics of these documents as well as to continue to check in with sister states and other knowledgeable organizations. The Board should allow as much leeway as possible and to make changes as quickly as possible so that the pilot can proceed expeditiously within the narrow time frames set by the Legislature. Several developers have made reasonable suggestions as to changes in these documents. I suggest that the application be as simple and strait-forward as possible.

I believe that the goal of the Legislature, the Governor and the Board is to get the Community Solar program “right.” So, the final rules, to be done upon completion of the 3 year pilot, would likely be more detailed than the pilot’s rules. I suggest that these 3 important documents will almost certainly need to be changed based upon needed on-going discussions with the various stakeholders. So in order to make the necessary changes as quickly as possible, it should be with delegated to staff via Board Order an/or done via Board Order.

Thank you, Jeanne Fox



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203 557 5554

www.citrinepower.com

December 21, 2018

State of New Jersey
Board of Public Utilities
44 S. Clinton Avenue
3rd Floor, Suite 314
Trenton, New Jersey 08625

Re: Docket No. QO18060646

New Jersey Community Solar Energy Pilot Program – Application Form / Subscriber Organization Registration Form / Subscriber Disclosure Form - COMMENTS

Dear Staff of the New Jersey Board of Public Utilities (“BPU”):

Citrine Power, LLC (“Citrine Power”) as a developer and owner of commercial scale and community solar projects across the US, is pleased to provide the below comments during the public comment period for the proposed Application Form, Subscriber Organization Registration Form and the Subscriber Disclosure Form.

Should you have any comments or questions, please feel free to contact us. We appreciate the BPU allowing us to provide our input for the upcoming pilot program.

Sincerely,

Cela Sinay-Bernie
Managing Partner
Citrine Power, LLC
cela@citrinepower.com
Office: 203 557 5554
Mobile: 917 345 8371

COMMUNITY SOLAR ENERGY PILOT PROGRAM APPLICATION FORM

Section A. Application Form Requirements, Instructions, Terms and Conditions

“Projects approved for participation in the Community Solar Energy Pilot Program by the Board shall be considered “connected to the distribution system” for purposes of Solar Renewable Energy Certificate (“SREC”) and Renewable Energy Credit (“REC”) eligibility”

Comment: Does “connected to the distribution system” imply we are interconnecting at the EDC level and not PJM? In all other states with successful and established community solar programs we are participating in, including Minnesota, Colorado, Massachusetts, Illinois and New York, community solar projects interconnections are handled at the at the distribution level with the EDCs and not at the transmission level. A lot of these projects will be smaller than 5 MWs given preferences given in the Application Form for non-ground mounted systems. Accordingly, transmission (PJM) level interconnection is costly, unnecessary and time consuming and does not correlate with the expected time frames of start of construction in the Application Form. The lack of clarity of the interconnection process is one of the biggest challenges of the contemplated program and Application Form.

I. Minimum Qualification Requirements:

“#2. Existing solar projects may not apply to requalify as a community solar project. An existing solar project as defined in NJAC 14: 8-9.2, means a solar project having begun operation and/or been approved by the Board for connection to the distribution system prior to January 1, 2019.”

Comment: The Board needs to explicitly clarify that projects that have received conditional approval from BPU prior to Jan 1, 2019 but has not begun construction (such as a municipal landfill project with the expectation of participating in the community solar project) is not an “existing solar project”. We think it is pretty clear from the definition that such projects are not “existing solar projects” but it would be helpful to have an explicit explanation for the benefit of investors.

IV. Important Terms and Conditions

“#3. Only Applications that are substantively complete by the close of the Application Period will be considered for participation in the Community Solar Energy Pilot Program during that Program Year.”

Comment: In order to avoid debate and confusion, we need a better or more specific definition of “substantively complete” What does the BPU mean by this definition?

“#10. “As per NJAC 14:8-9.3c. approved projects are to begin construction within 6 months of their approval by the Board,....”

Comment: In the absence of a well-defined interconnection process, this is not a realistic time frame for start of construction. If we are interconnecting at the distribution level with the EDC, this should be OK to the extent the EDCs are well versed on the interconnection process and that it should look very similar to a regular behind the meter interconnection application process. Currently, it does not look like the EDCs have clarity either.

Section B. Community Solar Energy Project Description

V. Community Solar Subscriber Organization

Comment: While it is important to provide Community Solar Subscriber Organization detail to the BPU during the application process, the BPU should note that system owners may decide to change the subscriber organization along the process due to a variety of reasons. In the past, if we decided that a particular subscriber organization was not able succeed in reaching potential subscribers, we would like to have the liberty to change who we are working with.

VI. Proposed Community Solar Facility Characteristics

Community Solar Municipality

Comment: When we say Community Solar Municipality, do we mean the municipality the system is physically located in or the municipality(ies) where we're drawing majority of the subscribers or anchor?

EDC Electric Service Territory

Comment: Again, our understanding is that this implies we're interconnecting at the EDC level especially for projects that are substantially smaller than 5 MWs and we think this is the way the programs are executed under every major community solar program. We just need the interconnection application process to be clarified by the EDCs and BPU prior to any of the rules being established.

VIII. Community Solar Subscriptions and Subscribers

"8. The geographic restriction for distance....."

Comment:

a) We'd like to understand the relevance of this restriction to the application process. le will a certain type be given preference ? If it's in the same municipality it will get higher points ?



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b) This is too restrictive if it's for the lifetime of the project especially in light of consumer protection laws that need to be considered for community solar projects. If subscribers can leave the system during the term of our contracts which they inevitably will, we would need to find replacement subscribers and if for example year 10, we need to draw from the larger EDC territory outside of the municipality we initially signed up for, this may restrict our ability to find additional subscribers.

"9. Product Offering:....."

Comment: Typically the savings are off of a rate, meaning the discount is off of either the Customer's rate or Community Solar Rate that BPU might come up with. Savings off a utility bill is misleading given the different line items on a utility bill for every customer. Accordingly, unless there's a uniform rate that will be community solar rate, we don't think this classification is the right classification for proposed savings

XI. Project Cost

Comment: At the time of application to the pilot program, there will be no data specific to NJ about customer acquisition cost and churn rates. This is will be mostly a hypothetical exercise based on other states whose customer profiles may not be similar to NJ. So this information should not be given much weight for scoring the winning bids.

December 21, 2018

Aida Camacho-Welch
Secretary
New Jersey Board of Public Utilities
Post Office Box 350
Trenton, New Jersey 08625
Sent via electronic mail to communitysolar@njcleanenergy.com

Subject: Docket No. QO18060646 - New Jersey Community Solar Energy Pilot Program
Application Process

Dear Ms. Camacho-Welch,

This letter is in response to the notice and request from New Jersey Board of Public Utilities ("BPU") for public comment with regard to Docket No. QO18060646 and the application process for the Community Solar Energy Pilot Program ("Pilot Program"). Specifically, the BPU requested public comment to the following three (3) documents.

- 1) Draft Community Solar Energy Pilot Program Application Form
- 2) Draft Community Solar Subscriber Organization Registration Form
- 3) Draft Community Solar Subscriber Disclosure Form

TurningPoint Energy ("TPE") is a clean tech advisory, development and investment company specializing in community and utility scale solar. Its principals started the company after spending most of the last decade leading, running, and growing solar energy development businesses and executing project plans for some of the largest solar companies in the energy industry. With a focus on utility and community solar, the team is comprised of a veteran energy industry team with more than \$2.1 billion of solar projects originated, developed, financed, built and operating throughout the United States.

After attending the Community Solar Energy Pilot Program Stakeholder Meeting 1 held on December 6th and reviewing the proposed forms (listed above), the following is a summary of a proposed structure for the program and our written responses to the questions provided in preparation for Meeting 1.

Key Takeaways for Overall Program Structure

Adoption of first come, first served competitive application process: TPE is has been particularly active in both the legislative and regulatory process in several community solar markets across the United States. Drawing on TPE's experience in markets around the country, it is critically important to note there is no example of a successful community solar program of meaningful scale that has utilized a competitive application process whereby projects are ranked based on criteria. Such programs have led to unqualified projects entering the program

to take up limited queue capacity which eventually result in high project fallout rates as a result. TPE respectfully requests that BPU adopt a first-come, first-served process in conjunction with the following maturity requirements:

- I. A completed interconnection study,
- II. Proof of site control,
- III. Proof that the project has begun the permitting application process for relevant discretionary permits, and
- IV. A refundable deposit of \$60/kW with BPU or demonstrate that such funds have been placed in escrow, much like was done for the Subsection Q program.

The following are TPE's responses to some of the BPU's questions related to the "Draft Community Solar Energy Pilot Program Application Form":

Should all permits be required to be obtained prior to submitting an application to the Board?

No, all permits should not be required to be obtained prior to submitting an application to the Board, particularly with the competitive application process prescribed in the Community Solar Energy Pilot Program Proposed New Rules: N.J.A.C. 14:8-9.

It would be unreasonable to assume that developers would invest a substantial amount of money to obtain ALL permits, when there is a subjective evaluation process in the competitive solicitation and no guarantee the project would be approved by the BPU. This would put smaller developers at a disadvantage and those developers focused on targeting their subscriptions to the LMI customers, which is fundamental to the spirit of community solar.

Developers *should* be required to demonstrate that they have taken preliminary action with the permitting AHJ to prove ongoing progress toward obtaining those permits, at prescribed intervals along the development process to provide the BPU with confidence they are indeed moving forward with project development.

Should the interconnection approval be obtained prior to submitting an application to the Board?

The gold standard exemplified in most community solar markets require that at a minimum an interconnection study be required in order to submit a project into the community solar queue. If by "interconnection approval" it is meant that a *completed interconnection study* be required, TPE believes that it should be required prior to submitting an application to the board.

However, TPE does not believe that an *executed interconnection agreement* be a prerequisite to the application process.

In addition, it is unclear what the appropriate interconnection procedure is for community solar projects at this time. **TPE strongly believes that PJM interconnection studies or agreements should not be allowed as a prerequisite for an application into the program. Rather, an interconnection study solely administered through the individual EDCs should be the process**

for all community solar projects. Going through a full PJM interconnection approval process can be particularly burdensome for developers of smaller projects, particularly those targeting to supply the LMI community. For example, a 500kW project targeting a local community organization or environmental justice engagement may not go forward due to the costly and lengthy PJM study process.

Also, it is our understanding that projects are not considered to be net metered so it is unclear as to how an interconnection application should be completed and submitted through the current published EDC interconnection process. The solution in MD for example, was to add a check box on the existing EDC interconnection application form for net metering, which was a relatively simple administrative fix. **Having one interconnection process for all projects creates a level playing field for all projects and doesn't tilt the scale in favor of larger grid tied projects previously developed for the subsection q program.**

Should the BPU issue additional guidance documents? If yes, what should they contain?

BPU should provide the following additional guidance documents:

- 1. Additional guidance documents about plans on the interconnection process with clarity that PJM interconnection results or agreements will not be allowed.**
- 2. BPU should provide a guidance document that clearly illustrates how points are allocated to projects.**

How long should the Application Period be open for?

The application window needs to be consistent with the project maturity requirements adopted.

Please comment on the draft criteria and weighting.

The challenge with the competitive application process and criteria weighting is that in order to end up with a high score, Developers are required to make commitments to project and offering features while there are still many unanswered questions about the program. At a minimum, incentives and an interconnection process need to be in place prior to developers providing all of the information requested in the application accurately. The following table illustrates various project and offering features and reasons those features could be subject to change:

Project Feature	Reasons feature could be subject to change
A project targeting 60% LMI.	Without having a clear understanding of what incentives will be available for LMI projects, it is difficult for any Developer to accurately commit to a LMI threshold.
A project that will implement battery storage.	Without understanding how the BPU will draft storage regulations including the payout of various value streams, it is impossible for a developer to certify that they will be able to implement battery storage on a project.
Product offering.	Without understanding interconnection costs (since there is no clear interconnection process), SREC successor program, LMI incentives, and having financing arranged, a Developer would not be able to accurately commit to what type of product offering it will eventually provide to customers of its community solar project.
Community and Environmental Justice Engagement.	Typically, developers need assurance that their project has program capacity prior to engaging with individual communities. Engaging with local communities prior to getting assurance of program capacity, is counterproductive. What happens if a project located on non-preserved farmland partners with a local community prior to submitting its application into the program, then gets rejected by the BPU? One can imagine that this would cause confusion with local communities and create a negative perception of the program.

The applicants may provide estimates (guesses) on their applications but would be difficult to provide all of the information with 100% certainty. The form presumes a project for which subscribers are identified and that there is a project developer, project owner, and subscriber

organization in place. In practice many developers who are not long-term project owners, will actually be the ones applying to the program. Once they've secured a place in the program, they will seek an anchor tenant (should the bill credit be reformed), then financing, and finally a buyer of the project who may or may not be the subscriber organization. The subscriber organization will subscribe customers as the project nears completion and may partner with a community organization to do so.

In conclusion, we recommend that all criteria related to product offerings, subscribers, and community engagement be removed from the application form and scoring criteria.

Specific product offering, community solar subscriptions, and subscribers.

As illustrated in the table above, it would be difficult to note any information about specific product offerings or number of LMI customers without having a clear idea of the interconnection process, SREC successor program, and whether any LMI incentives will be provided as part of the program.

It would also be difficult for Developers to commit to various communities and environmental justice engagement without knowing that they have capacity in the community solar program.

Cost in \$/kW installed.

TPE strongly discourages the \$/kW cost installed as being part of an evaluation factor for projects that apply into the program for a variety of reasons including:

1. **Costs in \$/kW and higher LMI participation are two metrics that counteract one another.** Projects that have higher LMI participation will naturally have higher costs associated with operations, higher default rates, which result in higher costs per kilowatt.
2. **Smaller projects are placed at a disadvantage compared to larger projects.**
3. **Smaller projects targeting LMI communities are placed at a disadvantage.**
4. **Program costs are the same to the State regardless of the \$/kW cost of individual projects.** If the bill credit and SREC successor incentive are the same for every project, then there is no benefit to having this information for purposes of evaluating an individual project. Ratepayers are paying a uniform amount regardless.
5. **Cost information is competitive sensitive information for individual developers and that information could be made public with a Freedom of Information Act (FOIA) request.**

Geographic Limit.

Geographic limitations are very burdensome, particularly for projects that are targeting various LMI customers across a utility service territory. The following are reasons why we don't recommend having any geographic restrictions (outside of subscribers being within a utility service area):

- 1. This metric is burdensome for developers focused on targeting a high percentage rate of low-income customers.** For example, if a developer is developing a 5MW project targeting all LMI customers that equates to about 1,000 LMI customers (5000kW/5kW per customer = 1000 LMI customers). If those developers also have a specific area they must focus, that adds an additional layer of complexity to find qualified subscribers.
- 2. At an early stage it is difficult to commit to specific subscribers without knowing whether a project has reserved pilot program capacity.**
- 3. Geographic limitations lead to energy inequality since most projects will likely be sited in the same general areas.** In most of the community solar markets TPE has worked in, we have noticed that there is typically a concentration of projects within specific geographic locations due to zoning allowances or restrictions. Favorable land use regulations and accepting communities are typically the main reason for such concentration. By encouraging subscription requirements to be located close to the project, energy inequality is directly being encouraged.

Project Maturity.

TPE recommends the following project maturity requirements as a prerequisite for applying into the community solar program:

- I. A completed interconnection study,
- II. Proof of site control,
- III. Proof that the project has begun the permitting application process for relevant discretionary permits, and
- IV. A refundable deposit of \$60/kW deposited with BPU or demonstrate that such funds have been placed in escrow, much like was done for the Subsection Q program.

Aforementioned, there is currently not an interconnection process in place for community solar projects. This is another issue that needs to be resolved for successful implementation of the program.

Siting, Bonus Points

Please provide examples of “land enhancement” and how bonus points will be allocated, how many, and what objective criteria will be applied.

How can the BPU best assist projects planning to apply to the Community Solar Energy Pilot Program?

The BPU can do the following to assist projects planning to apply to the Community Solar Energy Pilot Program:

- 1. Make project maturity requirements should be a prerequisite to applying into the program. Project maturity requirements should be as follow:**
 - I. A completed interconnection study,
 - II. Proof of site control,
 - III. Proof that the project has begun the permitting application process for relevant discretionary permits, and
 - IV. A refundable deposit of \$60/kW deposited with BPU or demonstrate that such funds have been placed in escrow, much like was done for the Subsection Q program.

- 2. Provide a guidance document that outlines the objective criteria the BPU will be evaluating on a project by project basis. This should include:**
 - Clarity on point allocations
 - For example, a project can receive a maximum of 20 points for siting criteria but does that mean projects that are classified as “medium preference” receive 15 points? 10 points?
 - How the BPU plans to govern any commitments made by developers in the application process

- 3. Implement a uniform interconnection procedure through the EDCs for all projects applying into the program. This can be as simple as adding a checkbox for community solar projects under the existing net metering interconnection application similar to Maryland’s CSEGS Pilot Program.**
 - Disallow PJM interconnection studies and agreements so that smaller projects are not placed at a disadvantage.

- 4. Remove all scoring criteria that forces Developers to make commitments to project features prior to reserving capacity such as:**
 - Product offerings

- Customer targets including class (LMI for example), geography, or community engagement
- Energy storage

5. Update the regulations as they relate to project construction start dates and operation deadlines to reflect the reality of project development timelines.

- As regulations are currently drafted, projects are required to start construction within six (6) months of their approval and fully operational within 12 months. This is unrealistic and should be modified to be an 18-month operation deadline with an opportunity to extend for six (6) months.

Is there anything missing from the Application Form?

The only other thing missing from the application form not mentioned above, is the ability for Developers to submit the community solar program applications electronically.

Draft Community Solar Subscriber Disclosure Form.

TPE supports all the edits that have been provided in the Coalition for Community Solar Access' comments.

TPE greatly appreciates BPU's consideration of these comments as part of its efforts to refine the community solar program application process. We would welcome the opportunity to meet with you and other BPU staff as appropriate to share our experience in participating in other community solar programs and address any questions you may have.

Regards,



Frances Yuhas
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Vice President
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State of New Jersey
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PHIL MURPHY
Governor

SHEILA OLIVER
Lt. Governor

STEFANIE A. BRAND
Director

December 21, 2018

VIA ELECTRONIC MAIL (communitysolar@njcleanenergy.com)
AND HAND-DELIVERY

Honorable Aida Camacho-Welch, Secretary
New Jersey Board of Public Utilities
44 S. Clinton Avenue, 3rd Floor, Suite 314
Trenton, New Jersey 08625-0350

**Re: In the Matter of the New Jersey Community Solar Energy Pilot
Program—Application Process
BPU Docket No. QO18060646**

Dear Secretary Camacho-Welch:

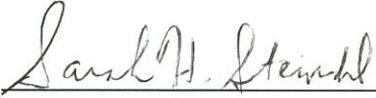
Enclosed please find the original and then copies of the comments of New Jersey
Division of Rate Counsel (“Rate Counsel”) in connection with the above-captioned matters.

We are enclosing one additional copy of the comments. Please stamp and date the extra
copy as “filed” and return it in our self-addressed stamped envelope.

Thank you for your consideration and assistance.

Respectfully submitted,

STEFANIE A. BRAND
Director, Division of Rate Counsel

By: 

Sarah H. Steindel, Esq.
Assistant Deputy Rate Counsel

c: OCE@bpu.state.nj.us
communitysolar@njcleanenergy.com
Sara Bluhm, BPU
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Scott Hunter, BPU
Noreen Giblin, Esq., BPU
Rachel Boylan, Esq., BPU
Caroline Vachier, DAG

STATE OF NEW JERSEY
BEFORE THE BOARD OF PUBLIC UTILITIES

In the Matter of New Jersey Community) BPU Docket No. QO18060646
Solar Energy Pilot Program)
)

COMMENTS OF THE
NEW JERSEY DIVISION OF RATE COUNSEL
ON THE NEW JERSEY COMMUNITY SOLAR ENERGY
PILOT PROGRAM APPLICATION PROCESS

December 21, 2018

Introduction

The Division of Rate Counsel (“Rate Counsel”) would like to thank the Board of Public Utilities (“Board” or “BPU”) for the opportunity to provide comments on the application process for New Jersey’ Community Solar Energy Pilot Program (“Pilot Program”) in accordance with the Notice issued by the Board on November 28, 2018. Rate Counsel’s comments concern Appendix B to the draft application form, which provides the criteria and scoring rubric the Board is proposing to consider in evaluating and selecting applications. Rate Counsel’s comments are as follows:

General Comments

As a general matter, Rate Counsel believes that most of the proposed evaluation categories are unnecessary. There are two criteria that need to be evaluated in this pilot program: (1) the program should be offered to low-and moderate-income subscribers and environmental justice communities; and (2) it should be based on competitively-bid, cost-effective projects. The other categories are distractions and appear to be an attempt to manage the market and dictate the kind of products offered. The Board should evaluate projects on criteria that reflect the core objectives of the program. Criteria that increase costs to serve other objectives, and those that would be difficult or costly to enforce, should be eliminated. Rate Counsel offers its specific comments on each of the evaluation categories below.

Further, Rate Counsel notes that the Evaluation Criteria do not define how projects that score 40 points or more will be further evaluated or chosen by the Board. Rate Counsel recommends that this process be defined.

Comments on Specific Criteria and Weighting

Siting:

This proposed evaluation category gives preference to projects sited at specified locations. Higher preference would be given to projects sited at landfills, brownfields, areas of historic fill, rooftops, parking lots and parking decks. Medium preference would be given to projects sited at rights-of-way, canopies over impervious surfaces (e.g. walkway), and areas designated in need of redevelopment. The maximum number of points allowed in this category is 20 points; or half of the minimum points needed for consideration.

Rate Counsel disagrees with this proposed category and recommends that it be eliminated. Preference should not be given to projects sited at landfills, brownfields or areas of historic fill. As noted in Rate Counsel's comments filed November 30, 2018 in connection with the Board's proposed Pilot Program rules, the Board should work with the New Jersey Department of Environmental Protection to define which sites are, and are not, permissible for Community Solar projects. No other preference should be given for any siting considerations. Capacity development in the Community Solar Energy Pilot Program should be developed on a market-driven and least-cost basis. While Rate Counsel acknowledges the State's interest in developing sites such as landfills and brownfields, including this objective as part of the criteria for Community Solar projects can only increase costs and diminish the value of the products that are offered to subscribers.

Rate Counsel notes also that the Clean Energy Act does not grant the Board general authority to promote the State's land-use goals in connection with the Pilot Program. The Board it may only establish standards to "limit the land use impact of a solar energy project as required in subsection r. of P.L. 1999, c. 23." N.J.S.A. 48:3-87.11(b)(6). The cited provision requires a

project designated as “connected to the distribution system” not “significantly impact the preservation of open space in this State.” N.J.S.A. 48:3-87(r). This provision authorizes the Board to find that a proposed site either meets or does not meet the statutory criterion. It does not give the Board authority to promote any other land use goals.

As stated in Rate Counsel’s comments on the proposed Pilot Program rules, the Board should define which sites meet the statutory standard. The market should allow developers to determine the most efficient and cost-effective project sites that are allowed under the rules.¹

Subscribers and Environmental Justice:

This proposed evaluation category gives preference to low- and moderate-income projects with more than 50 percent of the project generation (kWh) assigned to residential subscribers in environmentally disadvantaged communities. The maximum number of points allowed in this category is 20 points.

Rate Counsel agrees with this category. As stated in Rate Counsel’s comments on the proposed Pilot Program rules, this program should be focused on projects that serve low-income and moderate-income customers and projects that benefit environmental justice communities. The objective of community solar is to make the benefits of solar energy available to those for whom solar energy is presently inaccessible.²

Product Offering:

This proposed evaluation category gives preference to projects offering guaranteed savings to subscribers. Higher preference would be given to projects offering guaranteed savings to subscribers of ten percent or more. Medium preference would be given to projects offering

¹ I/M/O Community Solar Energy Pilot Program Rules: N.J.A.C. 18:8-9, BPU Dkt. No. QO18060646, Proposal No. PRN 2018-090, Rate Counsel Comments at 4, 17-18 (Nov.30, 2018).

² Id. at 4, 12, 19.

guaranteed savings to subscribers of five to ten percent. The maximum number of points allowed in this category is 20 points.

Rate Counsel disagrees with this category and suggests that it be eliminated. This category dictates to the market what a community solar program should look like and what price should be offered. The Board should not be defining how the market offers products. For instance, there may be a market for subscribers who simply want to hedge on price or want a fixed price to avoid price volatility. Second, this category presents an opportunity for gamesmanship. It is not clear whether there is any practical way for the Board to monitor whether the claimed savings are actually being achieved. The proposed application does not specify any mechanism for auditing project price performance. This category simply serves to shift performance risk away from a projects awarded using this criterion and onto the project's subscribers (if there is no way to guarantee savings) as well as ratepayers, who are subsidizing these projects through SRECs (or the substitute mechanism currently under development³), and through net metering credits. Unless the Board intends to offer some guidelines as to how this would work, "product offering" criteria should not be used as an evaluation category.

Cost in \$/kW installed:

This proposed evaluation category gives preference to projects with the lowest installed cost (\$ per kW). The maximum number of points allowed in this category is ten points. It is unclear whether points in this category would be awarded to multiple projects that represent a range of the lowest installed costs among all applicants, or, just to one project with the lowest cost. This needs to be clarified in the evaluation criteria. In either event, Rate Counsel believes

³ 1/M/O Rulemaking to Implement Certain Sections of P.L. 2018, Chapter 17, Regarding Closing the SREC Program to New Registrations Following the Attainment of 5.1 Percent of Total Kilowatt-hours Sold in the State from Solar Electric Power Generators Connected to the State's Electric Distribution System, BPU Dkt. QO18060647.

that this category and cost-effectiveness are of most importance and should be assigned a higher number of points.

Community and Environmental Justice Engagement:

This proposed evaluation category gives highest preference to projects that partner with municipalities, local community organization(s), affordable housing providers and/or providers of local jobs/job training. Some preference will be given to projects that receive a letter of support from these groups.

Rate Counsel refers to its comments regarding the Subscribers and Environmental Justice category. As specifically mentioned above, Rate Counsel agrees with the intent of this category. However, it is duplicative of the criteria included with the Subscribers and Environmental Justice category, and including both would be double-counting. This category should be removed.

Other Benefits:

This proposed evaluation category allows ten points to be awarded to projects that are paired with storage, micro-grid projects, energy audits and/or energy efficiency measures. Rate Counsel disagrees with this category and finds that it should be eliminated. Rate Counsel appreciates the importance of emerging storage technology and energy efficiency measures. However, bundling projects with these add-ons will only drive up the cost of a project and reduce the benefits available for subscribers. Thus, including this category simply contradicts the Installed Cost category above and means that the Board is granting points to more expensive projects.

Geographic Limit:

This proposed evaluation category gives preference to geographic restrictions for distance between the project site and subscribers. Higher preference would be given to projects that restrict subscribers to the same municipality and adjacent municipalities as the project. Medium preference would be given to projects that restrict subscribers to the same county or adjacent counties as the project. No preference would be given for projects without geographic restriction.

Rate Counsel is unclear as to the purpose of this category and suggests that it be eliminated. There is no explanation as to why higher preference would be given for geographic restrictions. This may actually serve to limit the number of subscribers for a project, potentially increasing project cost. Further, there is no detail offered as to how the Board will audit this over time or enforce this restriction as subscribers change.

Project Maturity:

This proposed evaluation category gives higher preference to projects that have received an EDC feasibility study, permits and site control. Some preference will be given to projects that have applied for an EDC feasibility study, permits and conditional site control.

This category is often included in competitively-bid request for proposals (“RFP”). Rate Counsel agrees with this category.

Table Summarizing Recommendations

Based on the recommendations outlined above, Rate Counsel provides the table below, which compares the BPU Staff’s proposed criteria and point assignments with Rate Counsel’s proposed revisions:

Table 1: Rate Counsel vs. Board Staff Evaluation Criteria and Point Assignments

Evaluation Criteria	Maximum Points	
	Staff Draft Application	Rate Counsel Recommendation
Siting Higher preference: landfills, brownfields, areas of historic fill, rooftops, parking lots, parking decks Medium preference: rights-of-way, canopies over impervious surfaces (e.g. walkway), areas designated in need of redevelopment Not preferred: preserved land, wetlands, forested area, farmland Bonus points for: landscaping, land enhancement, pollination support, storm water management, decommissioning plan	20	Not applicable
Subscribers and Environmental Justice Higher preference: LMI project, with real benefits to the LMI subscribers, more than 50% kWh assigned to residential subscribers, in environmentally disadvantaged community	20	25
Product Offering Higher preference: guaranteed savings >10%, flexible terms Medium preference: guaranteed savings >5% Not preferred: no Guaranteed savings	20	Not applicable
Cost in \$/kW installed Higher preference: lowest cost	10	25
Community and Environmental Justice Engagement Higher preference: partnership with municipality, local community organization(s), affordable housing provider, providers of local jobs/job training Medium preference: letter of support from municipality, project owner is a government, public and/or quasi-public entity, project owner is an affordable housing developer	10	Not applicable
Other Benefits - Paired with storage, micro-grid project, energy audit, EE measures	10	Not applicable
Geographic Limit Higher preference: municipality/adjacent municipality Medium preference: county/adjacent county No preference: any geographic location within the EDC service territory.	5	Not applicable
Project Maturity Higher preference: EDC feasibility study received, permits received, site control received Medium preference: EDC feasibility study applied for, permits applied for, conditional site control	5	10
Total Potential Points:	100	60
Minimum Points Required:	40	40

New Jersey Community Solar Energy Pilot Program
Comments of Rockland Electric Company
BPU Docket Number: QO18060646

In accordance with the notice issued on November 28, 2018, Rockland Electric Company (“RECO” or “Company”) submits the following comments on the New Jersey Board of Public Utilities’ (“BPU” or “Board”) draft application process and draft application form for the Community Solar Energy Pilot Program (“Pilot Program”). The Company appreciates the opportunity to provide further comment on the Pilot Program and emphasizes its continued support for New Jersey’s clean energy goals and the development of programs that increase the opportunity for low- and moderate-income (“LMI”) customers to participate in clean energy programs.

Below, the Company provides comments to specific provisions of draft Community Solar Energy Pilot Program Application Form issued with the notice.

Section B, Part VIII: Community Solar Energy Project Description

Question 3 asks for information on whether the project is a low or moderate income (“LMI”) project but no definition is provided in the document. Clear and well-defined requirements consistent with the proposed rules should be included in the instructions to the Application form so that an applicant understands how it can develop such a project to meet the goals of the Community Solar program.¹ The Company further maintains that the EDC should not be responsible for ensuring that the project qualifies, and maintains, its status as an LMI project.

Section B, Part X: Project Maturity and Timeline

Question 2 requests the applicant to estimate the date subscribers will first receive bill credits. The EDCs will control the timing of credits to be applied to a subscriber’s bill (*e.g.*, within two bill cycles after receiving the subscriber information from the Community Solar Organization, once the project is online). This question should be clarified to request how soon after the project is online will the Community Solar Organization enroll the minimum number of subscribers so that credits can be distributed. There should be no lag between when the project receives its permission to operate and when subscribers are enrolled in the project. By definition, a Community Solar project should only exist, and therefore receive the annual payment on its excess generation that was banked, once the minimum number of subscribers are enrolled. Prior to meeting the 10 subscriber minimum, the project cannot bank any generation since it will not be a Community Solar project subject to the rules in N.J.A.C. 14:8.9.

For Question 5, the definition of site control should be amended to read “Site control is defined as property ownership or option to purchase, signed lease or option to lease, or signed contract for use as a Community Solar site or option for contract for use as a Community Solar site.” It is important to insure that if an applicant owns or leases, or has any other contractual use of the site, that one of the uses allowed is a Community Solar site. So, for example, if the applicant owns the site, it is important for applicant to show that zoning regulations permit a Community Solar site, or if the applicant is leasing the site, it is important that the applicant show that the lease permits the property to be used as a Community Solar site.

Part XII: Grid Benefits

¹ Although Section A of the Application Form instructs applicants to carefully review the rules contained in N.J.A.C. 14:8.9, it would be helpful to provide clear definitions in the instructions to the application.

New Jersey Community Solar Energy Pilot Program
Comments of Rockland Electric Company
BPU Docket Number: QO18060646

Questions 1 and 2 request the applicant to identify whether the proposed project is paired with a micro-grid project or storage. Prior to allowing micro-grids and storage to participate in the Community Solar Pilot Program, additional provisions for the installation of both technologies, including those involving metering, compensation, and interconnection standards, should be developed as part of technical and policy working groups. For example, rules must be developed that do not permit the compensation of energy discharged by a battery into the grid that was charged by energy from the grid. Any rules that allow for storage to be paired with solar must require that the aggregate nameplate capacity of all technologies in a project continues to comply with the 5MW per project cap.

Question 3 requests the applicant to identify whether the proposed solar facility provides grid benefits (such as congestion reduction), and if yes, to explain and provide supporting documents. While the Company supports the solicitation of distributed energy resources, including solar, to provide grid benefits (e.g., as an alternative to traditional distribution investment to meet grid needs), this application is the incorrect forum to identify grid operating needs and proposed solutions. An applicant cannot identify a grid need and present its facility as a solution to meet that need and provide benefits, without formal involvement of the utility. Therefore, this question should be removed from the application. The Company is open to discussing regulatory frameworks, outside of the Community Solar Pilot Program, where the utility can identify grid reliability and operational needs and solicit and procure alternatives to meet those needs and provide grid benefits.

Section D: Appendix A, Product Offering Questionnaire

Question 1. Regardless of the underlying method to calculate the subscriber's "subscription type", the EDC must receive each subscriber's allocation as a percentage, and the total of all of the subscribers to a project cannot exceed 100 percent. By assigning an allocation percentage to each subscriber, the total generation to be allocated to subscribers for that month will not exceed the actual generation. (This allocation does not include a specific allocation of generation placed in the Bank that can be allocated based on a percentage that is different than the monthly allocation.)

This same comment applies to the New Jersey Community Solar Disclosure Form under Subscription Information / Subscription Size. The EDC must receive the subscription size as a percentage of the monthly generation, regardless of the underlying method that the Community Solar Subscriber Organization uses to calculate that percentage.



RE-Imagine Real Estate, LLC

JUST IMAGINE

21 December 2018

Also sent to – communitysolar@njcleanenergy.com

New Jersey Board of Public Utilities
44 South Clinton Avenue
Third Floor, Suite 134
CN 350
Trenton NJ 08625

Attn: Aida Comacho-Welch
Secretary

Re: Community Solar Energy Pilot Program Application Process
Comments of RE-Imagine Real Estate, LLC

Ms. Camacho-Welch:

On behalf of RE-Imagine Real Estate (RIRE), a landfill to solar redevelopment company based in New Jersey, please accept the following comments in response to the NJBPU rulemaking proposal on the Community Solar Energy Pilot Program Application Process:

Background

Trevan J Houser of RE-Imagine Real Estate has been involved with the development of various NJ Solar Laws and regulatory processes and commented extensively in public sessions and individual meetings regarding the reuse of former landfills for solar energy generation facilities. Re-Imagine Real Estate believes that properly closed landfills represent a unique opportunity for NJ and the NJ BPU to meet clean energy goals, while also removing a stigma from our environment by properly closing former landfill Sites. Using properly closed landfills for development of solar energy generation facilities, creates a win-win for both the New Jersey Environment as well as local municipalities. Since 2013, and the passage of the Legacy Landfill Law, which created significant financial obstacles to properly closing legacy landfills, very little landfill redevelopment has taken place. We would greatly like to see that change. RE-Imagine is currently working with the legislature to overcome these obstacles (See Senate Bill S3173). Our goal is to see New Jersey have more properly closed landfills supporting solar energy generation through the Community Solar Pilot Program as well as through the Remote Net Metering Program, once those rules are promulgated. A program that promotes both landfill closure and reuse for solar energy generation achieves not only environmental benefits, but economic development and municipal fiscal savings as well. Our comments are geared toward that end.

Application Form Requirements, Instructions, Terms and Conditions

- RIRE applauds the BPU and Staff for the development of an application form that serves to meet policy goals established long-ago in New Jersey for appropriately siting solar electric power generation facilities. We strongly recommend that BPU and Staff do not significantly alter the application, even in the face of comments to the contrary from developers that may not share the history of the policy development.
- RIRE applauds the BPU and Staff for the development of an application form that serves to meet policy goals established long-ago in New Jersey for appropriately siting solar electric power generation facilities and makes access to solar projects achievable for low and moderate income residents.
- Because approved Pilot Program projects will be deemed “connected to the distribution system” by virtue of their approval, we suggest BPU/staff adhere to the same incentives and disincentives that were developed in the 2012 Solar Law for siting facilities. Facilities proposed to be located on properly closed landfills, brownfields, and areas of historic fill should be incentivized, and projects proposed on farmlands, open space, and lands that are suitable for other development should be disincentivized.
- We believe the BPU and Staff should consider allowing for more than one (1) application period per Program Year to ensure that only projects that meet minimum qualification requirements, as well as appropriately meeting siting goals, are approved and that the total allocated annual program capacity is filled with such projects.
- Application Form – RIRE is confident that BPU and Staff are more than capable of preparing an application form that is consistent with the final Rulemaking and the Solar Act. We do suggest that within the Application Form any reference to landfill be replaced with “properly closed sanitary landfill” for consistency with the Solar Act.

Thank you for considering our comments. RE-Imagine Real Estate is committed to New Jersey’s environment and the BPU Office of Clean Energy’s solar program and has previously submitted comments on the Community Solar Pilot Program Rulemaking proposal and intends to supplement those comments with further comments and also to submit subsequent comments on the Remote Net Metering and Interconnection Program. Stay tuned.

Respectfully,

RE-Imagine Real Estate, LLC



Trevan J Houser
President