

In The Matter Of:
COMMUNITY SOLAR ENERGY PILOT PROGRAM

July 24, 2018

JH Buehrer & Associates

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STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF
THE COMMUNITY SOLAR
ENERGY PILOT PROGRAM

BPU DOCKET NO.:
QO18060646

STAKEHOLDER MEETING

BEFORE: KENNETH SHEEHAN, ESQ., DIRECTOR,
HEARING EXAMINER
MICHAEL WINKA, SENIOR POLICY ADVISOR
ARIANE BENREY, PROGRAM ADMINISTRATOR
EMMA YAO XIAO, ESQ., DEPUTY ATTORNEY GENERAL

TRANSCRIPT of the stenographic notes of the
proceedings in the above-entitled matter, held at the
Rutgers University College Avenue Student Center,
126 College Avenue, Multipurpose Room, 2nd Floor,
New Brunswick, New Jersey 08901, on July 24, 2018,
commencing at 10:00 a.m.

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1 MR. SHEEHAN: Good morning, ladies and
2 gentlemen.

3 My name is Ken Sheehan. I'm the director of
4 the Office of Clean Energy for the New Jersey Board of
5 Public Utilities. And I do want to welcome you to
6 today's stakeholder meeting for the Community Solar
7 Energy Pilot Program. This meeting was noticed under
8 Docket No. Q018060646.

9 That stakeholder meeting went forth and
10 included a number of issues, most notably it reminded
11 us that under Public Law 2018, Chapter 127, the Clean
12 Energy Act, decided into law on May 23rd. It directed
13 the BPU to adopt rules and regulations establishing a
14 Community Solar Energy Pilot Program within 210 days.

15 It's an ambitious timeline, but that's why we
16 are here. We appreciate that everyone is here to do
17 this process.

18 Following this initial stakeholder
19 engagement, the Board will be presenting -- staff will
20 be presenting proposed rules to the Board. If the
21 Board adopts those rules, they will then be published
22 in the New Jersey Register. A 60-day comment period
23 will be offered. And during that time, much like we're
24 doing now, public comment will be taken and included
25 into the process.

1 That rule will then be brought back before
2 the Board for its approval; and if so approved, the
3 final rule will be published in the Register and that
4 will be full implementation of the rule for the state.

5 Our stakeholder meeting today is broken up
6 into five sessions. Session I, which we will be
7 starting immediately after this, is Siting and Project
8 Size. Session II at 11:45 is Low- and Moderate-Income
9 Access. Not a session, but a lunch break, very
10 important, it is at 1:15. At two o'clock, Session III
11 which is Value of the Credit. Session IV, Applications
12 and Interconnection. And, finally, Session V, Customer
13 Subscriptions and Customer Protection.

14 This room holds 150 people and we're darn
15 close at the moment. So during the comment period, we
16 will not put any restrictions on how long anyone can
17 speak, but we would ask that you be cognizant of the
18 fact that there are other people here. Me too is an
19 acceptable answer if your answer is me too to something
20 someone else said.

21 As many of you are aware, we had requested
22 those individuals who wished to speak file something by
23 July 19th. We have those individuals listed and they
24 will speak first. That being said, anyone who wishes
25 to make comments afterwards is absolutely welcome to do

1 so.

2 During the sign-in process, you should have
3 indicated whether or not you wished to speak and during
4 what session. We will address those in the order that
5 we received them, with the exception of elected
6 officials. If there are any elected officials who have
7 to get back to the process of running their county or
8 municipality, please let us know and we will allow you
9 to jump the line.

10 Everyone was required to sign in. That's for
11 us to keep track of things, to put you onto our service
12 list and to make we have the ability to get everyone
13 involved in this process.

14 Written comments, if you wish to make them,
15 are due to the Board by July 31st, 2018, and need to be
16 sent to the secretary by 5:00 p.m. You are absolutely
17 welcome to both give oral comments here and written
18 comments. If you wish to give written comments only,
19 they all carry the same weight and they will be
20 reviewed and integrated into the record fully.

21 We will be calling the speakers in the order
22 in which they signed up.

23 Please speak for as long as you'd like, again
24 within the confines of an understanding of what we're
25 doing here.

1 This may be a little unusual for some of you,
2 however, that there may be some questions from the
3 dais, we would look forward to understanding what's
4 going on, what your thoughts are. So if we ask you a
5 question, I'd ask you to answer to the best of your
6 ability. If you need to say, hey, listen, I'll deal
7 with that in my written comments, that will be fine.
8 It's not a criticism. It's not a complaint. It's
9 actually an engagement from us, and I'm looking forward
10 to the process. It's something that we haven't done a
11 lot in the past, but we're hoping to see if it's
12 beneficial to us as we move forward.

13 With that in mind, the truly important
14 things, the men's and women's room is right out the
15 door, to your right. There is a coffee place out the
16 door and across the street. We will be taking breaks
17 during the process.

18 This matter is being recorded by a court
19 reporter, as you can see. With that in mind, I would
20 ask you to speak as slowly as you can.

21 Upon introductions, please state your first
22 name, last name, please spell your last name, and
23 indicate any organization that you may be representing.
24 This will ensure that the record is full and complete
25 during the process.

1 Finally, I would like to welcome two
2 individuals here. We have Commissioner Chivukula from
3 the Board here to keep an eye on us as we go through
4 the process. And Governor Florio, thank you once again
5 for attending. We look forward to your involvement in
6 the process and appreciate you being here.

7 SESSION I: SITING AND PROJECT SIZE

8 MR. SHEEHAN: With that in mind, we're going
9 to go ahead and open up the first session on siting and
10 project size. And the first speaker will be Atlantic
11 City Electric.

12 For ease, we would ask you to come up to the
13 dais to use the microphone and that way we can catch
14 your full comments.

15 Thank you.

16 MR. SUNDERHAUF: Yes, good morning. I'm glad
17 I sat in the middle of 150 people, come up here.

18 But, yes, so it's Steven Sunderhauf, can you
19 hear me?

20 Steve Sunderhauf, for Atlantic City Electric.

21 Do you need me to spell my name?

22 THE COURT REPORTER: Yes.

23 MR. SUNDERHAUF: S-u-n-d-e-r-h-a-u-f, first
24 name is Steve, from Atlantic City Electric.

25 Just some general opening remarks that we

1 had. We wanted to mention that ACE looks forward to
2 working with the entire stakeholder group to make
3 community solar a success in the New Jersey market and
4 look forward to the legislation that is passed.

5 I think it offers opportunities for a variety
6 of groups that didn't have the ability to easily
7 participate in the PV arrays in the past, low- and
8 moderate-income, customers with routes of properties
9 that can't ventilate and accommodate PV, and customers
10 located on some are concerning feeders that otherwise
11 couldn't install PV.

12 And one of the issues on this area is setting
13 up optimization. We note that there are optimal places
14 to install systems on our circuits and our feeders and
15 one of the things that we do, as proof, is begin to
16 look at those locations and identify where they are.
17 We do have locational maps currently available.

18 But, again, given the size of these projects,
19 up to 5 megawatts in size, it's important to get them
20 sited to the right locations so that the cost for
21 interconnection can be as low as possible and can be as
22 beneficial as possible for the grid.

23 We think that we are not only for
24 streamlining the administrative process and lessen the
25 risks of ability areas. And one of the things that we

1 have to bring to the table is the experience with
2 community solar in the other utility jurisdictions in
3 District of Columbia, Delaware, Maryland, and the State
4 of Illinois.

5 And we plan to respond to the questions in
6 detail.

7 Specifically on siting, we want to work with
8 the players to identify the prime locations. The
9 larger the size of the community solar array, the more
10 difficult the siting options are. So we are cognizant
11 of that. We recognize that that large scale is offset
12 by perhaps lower administrative expenses per megawatt
13 installed and perhaps a lower cost per kW.

14 Again, we've developed hosting maps where
15 available in identified locations where solar might be
16 optimal.

17 Considerations should also be given to the
18 integration with battery storage goals of the statute.
19 It's possible that battery storage could basically be
20 joined with community solar projects to basically, not
21 only meet New Jersey's energy storage goal, but
22 optimize the use of those community solar projects and
23 lessen the distribution system impact at the same time.

24 There was a question related to preferences
25 of sites on brownfields, landfills, and historic fills.

1 We, as a utility, believe -- on questioning the local
2 land use issues and state and local policymakers and we
3 don't have a position on that either.

4 But, again, we're looking forward to working
5 with each of you.

6 We have a team of folks that can help with
7 the interconnection locations. It would be mindful
8 that as we work through the process to take some time
9 through identifying those sites that would be best for
10 community solar activities.

11 Those are my remarks.

12 I'd be happy to answer any questions.

13 MR. WINKA: So one question just, and maybe
14 for all the EDCs, is the Board just recently passed
15 infrastructure investment plan regulations.

16 Do you see a match-up or an ability to think
17 about community solar and the hosting maps that you put
18 together within the context of that?

19 MR. SUNDERHAUF: Yeah, absolutely.

20 I believe there's a linkage. We just need to
21 get it right.

22 Community solar, if we get it right, offers a
23 number of advantages. When you do it in a less optimum
24 way, the distribution system cost in design. So we
25 just need to be cognizant of what we're doing and the

1 cost on our system because we want to get it right as
2 we go forward. Okay. Thank you.

3 MR. SHEEHAN: Thank you.

4 Next up would be Melissa Kemp from the CCSA.

5 And just for ease, behind that would be Vote
6 Solar, Pari Kasotia and UU Faith Action, Carol
7 Hemington. Just to let you know you're on deck.

8 Additionally, we're going to be opening the
9 back door because we have additional seats. So for
10 those people standing, we'll have you seated in about
11 10 minutes.

12 MS. KEMP: Good morning.

13 We have a few slides.

14 Do you guys have the clicker?

15 Very good. I'm all set.

16 Hi, everyone. Good morning.

17 I'm Melissa Kemp, here on behalf of CCSA,
18 Coalition for Community Solar Access nationwide. I
19 myself am the Policy Director for the Northeast Region
20 for Cypress Creek Renewables, the largest developer,
21 owner, asset operator, solar resource.

22 So to get into substance here, I need a
23 little help with the. . . Aha, wonderful.

24 We're obviously very excited about this
25 program in New Jersey, looking forward to this day of

1 discussions on these very important topics.

2 The first topic I'm going to deliver comments
3 on -- initial comments today is on program size and
4 siting.

5 So program size, we represent a large number
6 of companies across the country, many of which work in
7 New Jersey, in the northeast for some time.

8 The program size that we think is absolutely
9 essential for this program is a minimum size of around
10 half a gigawatt, around 450 megawatts, which is about
11 150 megawatts per year.

12 And I just want to quickly walk through kind
13 of the rationale for that. We didn't pick that number
14 out of a hat. We don't think it's a scary number. We
15 think it's a number that makes a lot of sense and has a
16 lot of really positive outcomes associated with it.

17 So, number one, rationale for it is what we
18 continue to call equity. So it's consistent with what
19 we have going on, on the behind-the-meter -- in an
20 annual deployment rate not too different. And that
21 this entire program over three years would be about
22 20 percent of the behind-the-meter deployment to date.

23 So in the overall construct of community
24 solar as being an alternative for those folks who don't
25 have on-site access, trying to begin to give them the

1 opportunity to actually have that access, some kind of
2 commiserate scale, it's still 20 percent of the
3 overall, current market today for behind-the-meter.
4 Seems like a reasonable starting point.

5 Well, let's go further because that's not the
6 only important factor here.

7 The other pieces that put this in context,
8 one, this program size of 450 megawatts would be about
9 1 percent of New Jersey's current electrical
10 consumption. Pretty small number.

11 Number two, if you look at the 2030 RPS that
12 was updated in April or created in April, if you look
13 at what controllers are going to be needed for that,
14 we're talking about this pilot program being less than
15 4 percent of what New Jersey is going to need by 2030.
16 So by no means is this going to be the be all end all
17 for solar, but it's a really positive step in the right
18 direction, towards the important goals and the benefits
19 that those goals bring.

20 Three, and probably most important for a lot
21 of folks in this room, is cost. Like, this can be done
22 really cost-effectively. And so a program of this size
23 is not scary from a cost perspective.

24 We'll be filing a full analysis next week
25 when we put in our formal comments. But we're looking

1 at, you know, costs when paired with the compensation
2 and siting proposals are critical in calculating that
3 cost.

4 We're looking at a program that has less than
5 half a percent rate impact for all customer classes and
6 potentially less.

7 And, yeah, I think -- I guess those last two
8 bullets really focus on the possibilities. This can be
9 cost-effective. The scale when done cost-effectively
10 does not have a big scary impact and the scale is still
11 a small, small piece of where New Jersey is going in
12 the next 12 years.

13 The next slide.

14 Next slide.

15 Thank you.

16 So just to finish out the two additional
17 reasons for the program size being proposed as we have
18 here. One is driving investment. Like, not only is
19 this not scary from a cost perspective and not only is
20 it just a small step towards what New Jersey actually
21 needs, but this kind of scale at minimum is really
22 what's needed to get companies to invest here and save.
23 And invest meaning see enough ramp of where they can
24 deploy capital and work with communities to make it
25 worth their time and energy.

1 And we'd love to see that kind of investment,
2 and we think it's essential to some of the more tricky
3 problems. Right? How do we really serve urban areas?
4 How to do we really serve the LMI components?

5 We'll talk about that a bit later.

6 But how do we do those community resources to
7 brainstorm and implement those solutions is going to
8 require investment. And like being here and seeing a
9 market signal that we're wanted here. So that's an
10 additional extra point.

11 And last point on the program size would just
12 be when you look at other states, which is not always
13 the be all end all comparison, but this program is
14 smaller than most of our neighboring states, whether
15 it's New York or whether it's Massachusetts, this
16 program size is, you know, a little smaller than
17 New York and quite a bit smaller than Massachusetts.

18 And so those are states that, you know, in
19 some respects are less mature than New Jersey is in
20 terms of solar. And so they're doing larger things.
21 They haven't had problems. You know, they're having
22 the same kind of arguments here or discussions about
23 how this can be done really successfully. It's
24 something for us to think about here as well.

25 Next slide.

1 So a few other just key kind of details about
2 program size or program details. One, you know, we're
3 recommending that the capacity be allocated with the
4 EDCs percentages state load. Some of it's been done in
5 many states across the country and it seems like a very
6 logical approach and not going to be too controversial.

7 Number two, we'll talk about later, the only
8 kind of carve-out provided by -- we're recommending I
9 think is appropriate is in the LMI piece. We think
10 that that requires its own focus and attention. But in
11 terms of otherwise divvying up this program into blocks
12 and requirements, we found like in other states, like
13 Maryland, that has been very, very challenging. And
14 said, you know, if there's certain things we want to
15 meet, let's meet them through market signals and smart
16 program design without unofficially parting other
17 programs to way, way too many little pieces that don't
18 end up driving investment or being usable.

19 Three, co-location. You know, while we, you
20 know, don't think there are fundamental limits, you
21 know, to suit project size and find a location be
22 sized, distribution per structure and local land use
23 property, we recognize that there is typically a
24 standard. And so, you know, 5 megawatts per parcel and
25 allowing things on adjacent parcels seems like a pretty

1 standard thing that's been done across the northeast
2 that hasn't caused problems and allows us to deploy
3 projects, you know, at scale. And then they also need
4 to comply with local end use and infrastructure
5 requirements.

6 And the last point actually kind of ties up
7 to the first one. When we allocate off the capacity by
8 percentage of load, if we do have unused capacity, we
9 recommend that it be reallocated, that some type of
10 process be put in place so that it is used where
11 needed. And for some reason we have less in a certain
12 territory, but if it's not going to be used, let's make
13 sure it does serve other businesses and residents
14 across the state.

15 Next slide, please.

16 Thank you.

17 So siting, the second topic that's bundled
18 into the first session here. I'm going to start with
19 what we have seen worked really, really well in other
20 states and then kind of go forward from there.

21 So our recommended approach for New Jersey
22 would be to take a step forward, use this pilot program
23 as a way to do that toward diversifying our siting
24 options in the state. And this means moving beyond
25 landfills, brownfields, parking lots, and rooftops,

1 although still very much encouraging us to talk about
2 in a second.

3 And some of the lands that we like as we've
4 seen done in other states would include former
5 agricultural land, ag land, other types of open land,
6 even forested land in the right situations.

7 All of it's being done in other states with
8 best practice requirements that really ensure that
9 responsible development is done. And these run the
10 gamut from how much concrete can be used on-site or how
11 soil can be graded or moved to how wiring and conduit
12 would be allowed to be buried, how much trenching would
13 be able to be used.

14 One, it could be a single trench in a clearly
15 easily removable place versus spreading across the
16 site; or it could be things like decommissioning, not
17 decommissioning plans, but actually bonding,
18 site-specific reuse re-establishment.

19 We've seen this work really well in
20 Massachusetts, in New York.

21 From all of the work that we're doing
22 ourselves using our companies within CCSA, using these
23 best practices, we're actually finding that
24 sometimes -- a lot of times we can do -- not only do no
25 harm, but we can actually do good.

1 A colleague pointed out to me this morning
2 that actually when the New York -- the New Jersey DEP
3 updated its solar setting analysis, they found it was
4 27,000 acres of land from the last time they did it
5 five years ago had been converted from more open space
6 into now their urban preferred lands.

7 And so we are losing in this state like open
8 land, farmland, every day similar kind of run of the
9 mill houses and corporate parks and parking lots and
10 whatever else.

11 And so, you know, one additional
12 underutilized piece here besides restoring soils or
13 having complete removal, having other positive
14 ecological services, we can use solar for test land in
15 a way, not only through the decommissioning bonds and
16 plans and what happens after the project is done, just
17 preventing something else from being developed on it
18 that doesn't have any of those pieces and will never be
19 reclaimed from.

20 So just something to think about. I think
21 there's a lot more to talk about here.

22 Our big focus is going to be working with
23 New Jersey partners, land use groups, to really talk
24 about this in general because we understand very well
25 this has not been what's been going on for the last

1 five years and there's a lot of legitimate concern
2 about how land is used.

3 Next slide, please.

4 I also want to just note before moving on to
5 kind of an additional possible approach is just the use
6 of adders.

7 So in that first scenario I just described,
8 we put in special practice requirements. Really,
9 really thoughtful, we needed to preserve land, restore
10 land to an equal or better condition. You know, we
11 still want to track development when we can on
12 brownfields, landfills, parking lots. There's
13 absolutely no reason that that shouldn't be done. That
14 makes all the sense in the world. We just know that
15 there are physical constraints and cost constraints of
16 doing that.

17 So following the model of what some other
18 states, including New York and Massachusetts have done,
19 let's do use adders. In this program, it may be
20 separate from this program in terms of the SRECs
21 successor efforts, but something to actually say,
22 please go and let's recognize there's a cost difference
23 here, and please go and, you know, develop on these
24 other more difficult, more expensive sites. So it's
25 not just protect development on these open lands, but

1 also encourage continued extensive development on the
2 lands that have these impacts already.

3 You know, we'll have more information on this
4 next week, but the analysis that we're doing really
5 does show, in addition to everything else that's played
6 out about do no harm, you can help, you can encourage
7 development still on these impaired sites beyond all
8 that, like, to get New Jersey to where it needs to go
9 just for 2030, then we're looking probably on the order
10 of 10 to 12 gigawatts of solar. It's enormous. We're
11 going to need more siting options. And that maybe
12 isn't today. It's in the next few years. But it's
13 something to think about.

14 Like diversifying our land options in a
15 responsible and smart way will make it feasible to get
16 to the goals we need to get to which have all sorts of
17 benefits. And then, too, it's also going to reduce
18 costs for businesses and residents, right, when we have
19 additional competition for siting, we have a
20 possibility for siting, that is going to reduce costs
21 to people, ratepayers, residents, and businesses across
22 the state.

23 Finally, the last point that I'm sure a lot
24 of you have experience with and talk about frequently,
25 you know, allowing more siting diversity, also helps

1 other types of folks in our state, helps landowners,
2 helps farmers. You know, a lot of times farmers in
3 New Jersey are having trouble making things
4 economically incentful. And so we have so many farmers
5 in this state and others who are excited about having
6 another source of revenue. And if done responsibly,
7 they would welcome it and it would really help that
8 protection of land or farmland to continue.

9 Next slide.

10 So I guess we'd like to say, you know, that
11 is what we think makes a lot of sense. It's logical
12 and has worked well in other states. Not every state
13 is the same. And I guess just to kind of put another
14 bookend on it, what we would like to say, you know, at
15 a minimum, at a minimum we'd strongly recommend that a
16 marginal land category be added to the missing allowed
17 siting uses that we have today under the SREC
18 construct.

19 Now, that definition of marginal land, we
20 would want to work on, but it would start with
21 something like uneconomic and/or underutilized, you
22 know, cash your land and do crop lands.

23 So maybe if we don't want to open it up in
24 the way the state have used best practice standards and
25 maybe we take our first step in a super positive but

1 more limited sense and adding a category like that and
2 we're just calling it marginal land as a placeholder
3 would be something that we would say is a minimum which
4 is really, really needed to make this program --
5 community solar program successful.

6 And with that other kind of minimum option
7 about adding that extra category of land, we would also
8 strongly recommend, you know, adders for brownfields,
9 landfills. And this fits into the compensation program
10 which we'll be talking about later this afternoon and
11 how we're, you know, because of the compensation
12 situation current in New Jersey, we're looking at a
13 much lower level of compensation, making the adders
14 actually keep it reasonable and still much, much more
15 cost-effective and less expensive than those kind of
16 projects have been done in the past.

17 So the adder piece we'll save partly until
18 the afternoon when it fits into the -- when all things
19 kind of fit together.

20 One last point, I know one of the many
21 questions in the document from BPU was about additional
22 ways to reduce risks for brownfield, landfill
23 development.

24 You know, we have been working very closely
25 with our environmental expert and land development

1 expert on the recommendations. Just one example I
2 wanted to mention. You know, it's like a pathway for
3 comfort letters for brownfield sites that don't have
4 full closure today. So there's a bunch of different
5 ways, like, that to try to reduce risk earlier and make
6 those sites more useful and I think it does pair very
7 much with the outer piece as well. But we like really
8 appreciate that thought and the idea of, like, let's
9 reduce risk to make this more efficient, less
10 expensive, more doable, as well as recognize the extra
11 costs in doing so.

12 I think that is the last of the slides.

13 Next slide.

14 Yeah, that's it. Thank you.

15 MR. SHEEHAN: Does your pilot program size
16 require land to be on the port that would support the
17 proposal?

18 MS. KEMP: We will have a full analysis on
19 that for next week, but it's a very good question that
20 we're looking at.

21 MR. WINKA: One second.

22 MR. SHEEHAN: Nice try.

23 MR. WINKA: So since you raised that here,
24 I'll just -- and maybe for others to think about.

25 So currently in a rate impact that we have,

1 so in the SBC, SREC program, Class I RECs, we probably
2 spent about \$1.3 billion annually.

3 So do you see community solar program as
4 additive to that or in a zero sum gain?

5 And you don't have to answer now. You can
6 answer in your written comments.

7 The other is we spend about between LIHEAP,
8 Weatherization, Comfort Partners, USF, Lifeline about
9 \$400 billion a year, those are on the Energy Assistance
10 Programs.

11 Do you see ways that other states have used
12 those programs more effectively, more efficiently in
13 the Comfort Partners Program?

14 Again, if you can't answer it now, if you can
15 answer in your written comments. So just a way of
16 being able to link those two things together.

17 MS. KEMP: Definitely on the latter, I think
18 as we talked about a little bit, those type of
19 organizations have been -- begun to be effective
20 partners mainly on the subscription side of community
21 solar.

22 I think it would be very wise to brainstorm
23 additional ways that there can be partnerships or
24 collaborative work.

25 Can you clarify the first question?

1 Was it whether the community solar program
2 would be additive to any cost factor?

3 MR. WINKA: So we currently spend significant
4 ratepayer dollar -- ratepayer impact to raise that, so
5 about 1.3 billion, last number I saw from the comments
6 DEP or RGGI, add all that up.

7 So would the additional cost of a consumer --
8 of a community solar program be rate impact
9 additionally above to that or should there be some cap
10 within the entire program? So should it be a
11 cumulative cap?

12 MS. KEMP: I think I'm going to need some
13 clarification on where that number is coming from.

14 I mean, generally, the overall point here,
15 which I know Brandon will talk about the compensation,
16 is finding a way to reduce the amount that it's
17 spending.

18 So I think there are two issues. One, the
19 resources can be valuable and it's not essentially a
20 subsidy, but obviously anything that's not avoided in
21 utility costs today does get passed over -- well, New
22 Jersey utilities, that's evolving -- but in general --
23 in general the ratepayers end up paying for it.

24 The goal here would be to make this program
25 so efficient that whatever it's adding to New Jersey's

1 current expenditure is very modest, if not almost a
2 decimal point. And I think with the combination of
3 program size recommendations from CCSA, the
4 compensation proposal and the siting, all of that
5 actually works really well together in an extremely
6 cost-effective manner.

7 To put a number on it and clarify in the
8 context of what you guys are already doing, we need to
9 circle back for next week.

10 MR. WINKA: Thanks.

11 MS. BENREY: To push you a little bit further
12 on the proposal to have capacity -- program capacity
13 set at 450 megawatts, I understand what you're saying
14 about it's 1 percent of New Jersey's annual
15 consumption, etcetera. Flipping it, have you, as a
16 speaker for CCSA, with your ear to the ground, do you
17 know of sufficient pent-up demand to justify 450
18 megawatts for a pilot program that's three years long?
19 And with the understanding that neighboring states have
20 done more, I can also point to states that have done
21 pilot programs with much, much, much less.

22 So I think we want to be able to size a pilot
23 program as quickly, not just looking at what it means
24 for the state, but also what it means for the community
25 solar pilot program.

1 MS. KEMP: Given New Jersey's population
2 density in certain areas, given the scale of overall
3 consumption, and half of it, you know, being related to
4 the sector would be most immediately served by this
5 project, and folks that have been here longer than I
6 can probably comment more, but what we have seen is a
7 lot of demand interest.

8 As long as there's a value proposition and
9 that value proposition definitely includes economic
10 savings to those customers, it includes more than that,
11 like economic certainty is the number one starting
12 thing. If that is there and, you know, there's a good
13 job in the state educating what this is and there is
14 protection and it's done smartly, then the people are
15 interested.

16 So, you know, in neighboring states who have
17 done larger things and they didn't call them pilots and
18 they were their first iteration. You know, we haven't
19 seen a problem in customer uptake. The problems --
20 there are other things. There have not been customer
21 uptakes. There's been evolution about certain
22 protection and how that's communicated with people and
23 how to reach different types of populations.

24 But, yeah, I haven't seen any problem with
25 customer interest.

1 And given, you know, New Jersey is a little
2 bit greater in consumption than Massachusetts, we're
3 seeing many times this in terms of community solar and
4 not get a saturation market.

5 So we can respond to that in a little more
6 detail in our written comments. But we really have to
7 be really positive to take over the market, as long as
8 value proposition, people have been waiting for the
9 opportunity to get involved in their own energy and
10 they think its responsible and in their children's
11 interest for a long time. And I think we'd love to
12 provide that at a scale that, you know, begins to meet
13 that need and then also brings development to drive
14 down costs and makes this a success for New Jersey and
15 other areas as well.

16 MR. SHEEHAN: Thank you very much.

17 Our next speaker is from Vote Solar, Pari
18 Kasotia.

19 PARI KASOTIA: Good morning, everyone.

20 Pari Kasotia, Vote Solar.

21 Vote Solar is a national nonprofit
22 organization that promotes solar friendly policies.
23 And as part of our mission, we also promote equity and
24 choice access for everyone.

25 So before I get into other aspects of siting

1 and project size, we actually do agree with CCSA and we
2 are also advocating for 450 megawatt program size.
3 Also, we also believe that provides market certainty to
4 solar developers and also helps to reach the RPS goals,
5 that regional competition in New Jersey.

6 And in terms of the individual programs
7 sites, it makes sense to do 5 megawatt -- up to 5
8 megawatt of projects, but we also want to make sure
9 that we are facilitating all types of project sizes.
10 So there are projects that are 250 kilowatts that
11 should be facilitated in a much easier way, 5 megawatt
12 project to building in some flexibility based on the
13 project size.

14 In terms of projects located on agricultural
15 land, we recommend that those projects combine
16 solar-friendly vegetation. We have seen somewhat
17 success of that in other states like Minnesota and
18 Maryland. So we want to be encouraging a good
19 concentration of how to maintain that agricultural
20 land, in addition to projects on brownfields and
21 landfills.

22 And then siting of projects, as I mentioned
23 earlier, ensuring that underserved communities and
24 disadvantaged communities benefit from community solar.
25 We encourage the BPU to support, prioritize, and

1 incentivize projects that are constructed in
2 communities of color. We want those customers to not
3 only benefit from clean energy access, but also benefit
4 from the job creation opportunities that arise from
5 community solar projects.

6 We encourage the BPU to partner with other
7 agencies to see how we can prioritize projects that are
8 located in environmental justice and communities of
9 color.

10 Lastly, I think we also need to ensure that
11 any community solar project that's developed is
12 reaching all types of customers, whether they're in
13 multi-family buildings, single-family homes, and those
14 that are privately and publicly owned. So thinking
15 much broadly in terms of projects that are sited and
16 access to different counties and towns.

17 Those are the initial comments that we have
18 on the siting and project size.

19 Thanks.

20 MR. SHEEHAN: Thank you.

21 UU Faith Action, Carol Hemington.

22 MR. GREGSON: Thank you.

23 Good morning, everyone.

24 It's a pleasure to be here. I'm part of the
25 team. My name is Rob Gregson, G-r-e-g-s-o-n. And I'm

1 pleased to be with colleagues Carol Hemington, who
2 filed the initial papers, and Reverend Ronald Tuff of
3 Green Faith.

4 I am the Executive Director of the statewide
5 public policy arm for all the Unitarian Universalist
6 Churches and congregations in the State of New Jersey.
7 And we have a program -- environmental program that has
8 been in place for several years where we've tracked
9 legislation and testified in Trenton and elsewhere
10 advocating for justice on issues of environmental.

11 Because of that, because of a real commitment
12 that we have to some of the same issues the last
13 speaker brought up around low income communities and
14 particularly a real attempt to change the way that
15 racial bias is played out, we are very concerned, in
16 particular, that LMI communities and urban communities
17 benefit as much as possible.

18 So my responses will be on the siting piece
19 of that. And later on, we have more specific
20 suggestions my colleges will speak to.

21 First of all, we have a strong preference
22 that the siting would be in those urban preferred
23 areas. We understand that there may be some
24 compromises that need to be made around farms, farmers.
25 But we think that there should be plenty of sites, that

1 would be brown sites, that benefit low-income
2 communities in a number of ways, both in terms -- and I
3 agree, again, with the former speaker -- in terms of
4 making good use of that and providing more of an
5 incentive for LMI communities to actually participate
6 in these programs; but, of course, there would be job
7 training -- some job training aspects.

8 But even beyond that, I would ask the
9 Board -- or we would ask the Board to think more
10 creatively, if possible, about how to make this
11 attractive for people who live in these -- near some of
12 these spaces.

13 So, for example, we didn't mention this, but
14 we were thinking something along the lines of solar
15 cities where there would be a way to make this an
16 attractive and a positive impact on cities that often
17 don't have that reputation or that feeling in them.
18 And that would take, perhaps, some additional resources
19 and some creative thinking. We think that would be an
20 important point to make.

21 We'd also be asking that -- and again I agree
22 with the former speaker -- that everything be done to
23 make these hard areas not be all concrete, gravel,
24 another hard surface, and a possible heat pocket. So
25 we would agree that those examples from Maryland and

1 Minnesota would be worth the Board's time to look at,
2 not only in farmland places, but let's make these sites
3 something you and I would like to live next to or at
4 least not feel like it's yet another eyesore in our
5 communities.

6 And sadly urban communities have lived with
7 that and communities of color have lived with that as
8 part of their neighborhoods for a long time, among
9 other energy development plans.

10 Secondly, we would ask that as part of the
11 environmental piece to that, that there be a
12 decommissioning plan and escrow fund for mediation.

13 As we've seen in too many places -- and my
14 colleague, Carol, has worked in superfund sites in her
15 professional experience -- too often developers go
16 bankrupt and disappear, leaving communities with
17 serious health issues and nowhere to turn for help.

18 Secondly, we have some concerns that
19 exemptions on groundwater, groundwater standards, I
20 believe are in law right now for community solar. That
21 was our understanding of the legislation. We would
22 like the Board to ask that, in fact, stormwater coming
23 from treatment plants be a part of any community solar
24 so that we're not further impacting our waterways and
25 certainly around the areas.

1 I guess, lastly, one piece I meant to say, a
2 little bit earlier and is my last comment, is that
3 there might be some concerns that we don't have enough
4 brownfield or urban areas really adequately to develop.

5 I would just bring your attention to the
6 New Jersey DEP's solar siting analysis update, which
7 was included in our paper from 2017. That says:

8 Even 100 percent solar objective for the
9 State's electrical consumption of 74,199,000 megawatt
10 hours requires only 302 square miles or 4.1 percent of
11 all of New Jersey's land areas, or 14.3 percent of the
12 New Jersey's preferred urban brown site land area, well
13 within this analysis' total preferred area calculation
14 of 29 percent.

15 So we hope that you will land squarely on the
16 side of really using spaces in urban areas that will
17 benefit those communities.

18 Thank you very much.

19 Any questions?

20 MR. SHEEHAN: Thank you very much.

21 Next speaking would be Jeanne Fox.

22 MS. FOX: Thank you, Mr. Director.

23 Jeanne Fox, J-e-a-n-n-e, F-o-x.

24 My background is President of the BPU, Deputy
25 Commissioner under Governor Florio, and EPA Regional

1 Administrator.

2 So this is what I know and also having done a
3 community solar project in Princeton and I've worked
4 with Governor Florio, there again, a business partner.

5 Talking on just this subject: The proximity
6 of projects to subscribers is an important determinant
7 of the extent to which a subscriber is identified with
8 a project. They need to be perceived for the
9 community. It can also result in an improvement in the
10 health of project subscribers when community solar is
11 deployed, instead of a traditional power generation
12 facility. More proximate siting can also result in
13 lower transmission line power loss and a relative
14 lessening of the burden on grid distribution lines.

15 As you know, in South Jersey we have these
16 problems because of these large sited distribution
17 systems.

18 I favor requiring that the subscribers be
19 located within the same service territory, and
20 additionally, within the same or an adjacent
21 municipality; provided that if the subscribers are in
22 an adjacent municipality, they must under no
23 circumstance be located at a distance of further than
24 50 miles from the project site. However, the Board
25 should retain the authority to grant a waiver from the

1 proximity requirement for a specific project via board
2 order if there are reasons that justify the project is
3 in the public interest.

4 Since there is a pilot stage of the program,
5 efforts should be taken to support the implementation
6 of projects of varying capacity levels and any RFP
7 should describe these size categories.

8 I recommend that neither individual projects
9 or any co-located group of related projects be deployed
10 with a capacity in excess of 2 megawatts.

11 Generally speaking, projects with such
12 capacity require approximately 10 acres of service
13 area. Projects with capacity in excess of 2 megawatts
14 would be inconsistent with the need for New Jersey to
15 preserve its limited open space, as well as site
16 projects in close proximity to applicable subscribers.

17 As I think as most of us know, New Jersey is
18 unique and we're the most densely populated for a long
19 time. And in order to build out by 2050, the way we're
20 going now, and yet routinely vote to preserve our open
21 space and our farmland. So New Jersey is one for
22 preservation of farmland.

23 I've heard them say that we're restoring
24 group -- to focus. We have tons of parking lots, big
25 box stores, and parking, etcetera, etcetera.

1 In order to obtain the most benefit from the
2 pilot, BPU should create categories for participation
3 in the program based upon the siting of projects and
4 provide incentives for project development where
5 appropriate. Certain categories would have
6 standardized approval requirements, while others would
7 be authorized via an RFP process.

8 Categories for deployment should include
9 brownfields, government building rooftops and parking
10 facilities, low- and moderate-income, and other
11 multi-apartment facilities, building rooftops and
12 parking facilities, warehouse rooftops and parking
13 facilities, and other commercial building rooftops and
14 parking facilities.

15 We should attempt to avoid as much open and
16 undeveloped land as possible, again, because we don't
17 have enough of it and, clearly, New Jersey residents
18 want to maintain that land.

19 So I urge that especially that landfills
20 improve quite differently. I think it was a mistake
21 and I thought it at the time when landfills were
22 included. I know from my experience in the EPA and BPU
23 and having been in solid waste at the BPU, that
24 landfills settle. It's garbage, it's junk, and it
25 settles. It's planned to settle, the collection

1 system. They're very expensive and the most expensive
2 solar facility in the state is the one up in the
3 Meadowlands. It cost a fortune. And you know better
4 than I of how much that would be. But solar on
5 landfills is the most expensive solar to put in because
6 of that settling. It's very expensive. It needs an
7 infrastructure, a very strong infrastructure to be
8 built to actually support the weight of the PV.

9 When I was at EPA, they looked at -- dumps
10 were being closed down. And they were looking at
11 different ways to make use for it. Skiing, solar, all
12 kinds of stuff. It is not possible do to that. It's
13 too expensive.

14 So possibly tax incentives to be given to old
15 landfills. I would not have it in any way, shape, or
16 form though that ratepayers would cover any additional
17 landfill costs that went above the typical brownfield
18 costs because of that issue. It's a cost factor. And,
19 as we know, ratepayers are paying a lot of money.

20 And based on the community subsidy bill, the
21 offshore wind, going back in RGGI, the \$2.5 billion
22 infrastructure that Public Service filed, and other
23 rate cases, our working class is growing because the
24 middle class is decreasing. And I think a lot of them
25 are -- have to be concerned about ratepayers, either

1 through the SREC process which we have now or certainly
2 through utilities base rate solars, specifically not
3 good for the ratepayers.

4 I suggest that the pilot do some community
5 solar competent with the systems that we've been
6 working on. My personal belief is that such
7 arrangements will be part of our New Jersey energy
8 future.

9 When we had the microgrid and these
10 micro-storms and all that come up, it might make sense
11 to have some of the pilot be in communities with
12 microgrids, where you have that involved in the
13 microgrids in this pilot.

14 In fact, in schools and government roofs,
15 parking lots and garages are likely to be prime
16 locations for community solar.

17 I also think that possible consideration
18 should be given to LMI community solar projects. We've
19 talked about that for a couple years now. I would
20 suggest at least 15 percent to 30 percent of solar
21 capacity be allocated to LMI solar for both single- and
22 double-family housing, as well affordable public low-
23 and moderate-income housing, both private and publicly
24 owned. And, of course, these projects would require
25 something like a 40 percent allowance for accurate

1 subscribers -- the accurate subscribers.

2 Bottom line: Because of those extra costs
3 that have now been put into effect through legislation
4 and through rate case filings, the Board really needs
5 to avoid as much as possible the unnecessary cost to
6 ratepayers or utility rate basing or by other means in
7 the process. Incentives, such as tax credits and
8 partnerships, should be utilized, possibly working with
9 the EDA to get some money for RGGI, those types of
10 things.

11 Possibility that if there are areas where no
12 other developer would put in community solar, maybe
13 some downtown urban area that is not exactly a
14 money-maker in their minds, utilities possibly could be
15 involved in that. But we ask you to look seriously at
16 that issue.

17 So thank you for prioritizing community solar
18 in New Jersey. I think it is part of our future.

19 Any questions?

20 Michael, no?

21 MR. WINKA: So since you've been a preacher
22 of this for a long time, you mention a number of
23 standards. You said at minimum 15 percent within
24 50 miles to 2 megawatts. This is a three-year pilot.

25 MS. FOX: Right.

1 MR. WINKA: And a lot of things will possibly
2 change and the legislature had said you have to do this
3 by rules. I would prefer to do it by order, but our
4 friends at the end of the table say we have to do it by
5 rule.

6 MS. FOX: This is the DAG. I was wondering
7 who this young lady was.

8 MR. WINKA: How would you see -- would you
9 see us being able to build in flexibility into that
10 rulemaking structure for some of the things that you
11 raised?

12 MS. FOX: First of all, the rulemaking
13 proposal, I personally think was not a good thing to do
14 because the rulemaking takes a year typically and then
15 you have another year to start working on it and then
16 another year proposing the rule.

17 So I don't know how the heck you're going to
18 do that. But good luck.

19 I would suggest the rulemaking begins as
20 broad-based as possible. That will give the Board
21 authority to have some results. One year of results
22 that you can do to then do a somewhat better
23 broad-ranged rule. And then you have to do it for a
24 couple more years to do a pilot. And then actually
25 have more hearings in getting down to the pilot.

1 I think you need to give the Board as much
2 discretion as possible to do it by board order.

3 So you can try to be very specific on some of
4 them. But especially with the LMI, I think you really
5 need a broad way of LMI now. If this is universally
6 thought in this state that you need to include that --
7 the underserved.

8 So possibly looking at areas in the most
9 congested areas of New Jersey, up in North Jersey,
10 ratepayers pay higher rates because of that -- people
11 cover to low-income community members.

12 I would also suggest energy efficiency and
13 other things where you're charging at least initially,
14 and look at that to see if that works out.

15 It's going to be tough because you really
16 don't -- doing the regs is just taking away too much
17 time. You're going to have to do them again in another
18 couple years.

19 Does that answer your question?

20 MR. WINKA: Thanks.

21 MS. FOX: Okay.

22 MS. BENREY: Just as thoughts moving forward,
23 two points that were brought up for speakers who are
24 coming next.

25 One of the questions that we're grappling

1 with is: What is community solar? What does community
2 solar mean to you in terms of one of the issues that
3 was brought up? What is the distance -- maximum
4 distance that we're going to allow between subscribers
5 and the site in order to maintain the definition of
6 community solar as we understand community to be?

7 So that is something I would encourage
8 speakers to continue to reflect on. And then something
9 that I would also enjoy hearing more about is the
10 issue, if anybody has any expertise on landfills
11 specifically and solar on landfills that can be heard.

12 One very strong opinion, if there are
13 developers in the room who've had experience of
14 building solar on landfills, I would encourage you to
15 make that note and share that with us.

16 MR. SHEEHAN: Thank you.

17 Our next speaker is from Pine Gate
18 Renewables.

19 I'm afraid there's not a name attached to it.

20 Okay. We can bring you back around.

21 Next up would be New Jersey Resources.

22 MR. BARTH: Good morning, everyone.

23 Larry Barth, Director of Corporate Strategy
24 with New Jersey Resources.

25 Pleased to be here.

1 We've installed about 200 megawatts of solar
2 in New Jersey. We've been in the market for the past
3 eight years.

4 I really want to thank the BPU for holding
5 this proceeding. And the questions that you put out
6 were great and really got us thinking. And this is a
7 terrific opportunity that we're all talking about
8 today.

9 Even though you guys put out great questions,
10 I have got a question.

11 And this is one that we really couldn't
12 answer which was related to the capacity, the program
13 capacity here which was, you know, from our
14 perspective, if we're going to have a diversity of
15 projects in the state here in this pilot program to
16 really figure out what makes sense and to be able to
17 test a number of things out, we're going to need
18 incentives for some of those projects.

19 Unless you're building a 5-megawatt project
20 maybe in PS territory with one or two or two or three
21 corporate off-takers, all other types of projects,
22 smaller projects, projects on rooftops, projects with
23 different customer bases are going to require
24 incentives, and where are we going to get those
25 incentives from.

1 I mean, the SREC program has been a terrific
2 program and has really supported instate development.
3 The BPU has really been instrumental in the connect to
4 distribution. But as we see it, that program is pretty
5 much getting maxed out.

6 If the BPU were to look at community solar
7 programs, in terms of these, would need to be approved
8 by the Board as being designated as connected to
9 distribution. And one of the things that you would
10 need to look at in that context is whether or not this
11 will impair the SREC market. It would, based on the
12 numbers that we're seeing, you know, tracking from the
13 BPU in terms of what's installed, what's in the
14 pipeline, and what the ultimate goal is.

15 So back to our view, these are questions for
16 the BPU.

17 As we look at the statutes, we see that the
18 statutes encourage the BPU to consider opportunities to
19 increase the RPS as they see fit with stakeholder
20 input.

21 The BPU also, as we interpret the statutes
22 has authority to do so. And so this is something that
23 we would suggest that you look at, here, particularly,
24 as we're bridging between, you know, the world of today
25 and the future world that we're looking to create with

1 some structure which is to-be-determined. So figuring
2 that out will help us answer the question.

3 There may be other things that the BPU is
4 thinking about in terms of where funds can come from,
5 like rejoining RGGI, there may be some funds. There's
6 a Class I market. There's some authority you have over
7 the EDCs. But these are all things that we need to
8 understand from you in terms of what's feasible.

9 We can probably spend hours today talking
10 about each of those, and I don't want to start that
11 discussion here.

12 But answers to those questions would help us
13 inform what a reasonable target is.

14 In terms of project size, you know, the
15 statute is pretty clear on 5 megawatts. The only thing
16 we would add to that is that we think in the pilot we
17 should limit the size of the projects to some level
18 within the annualized load of the off-takers so that we
19 want to avoid oversizing the projects and getting into
20 excess credit generation. So 80 percent, 90 percent of
21 the load, it should really be treated like a -- you
22 know, like when you sized projects for the net-metered
23 projects. You're ultimately building to serve the
24 customer needs. So we should keep that discipline in
25 the sizing.

1 We agree conceptually with some of the
2 discussions earlier about using adders rather than be
3 overly prescriptive about certain market segment sizes.
4 We agree that does need some basic allocation between
5 the EDCs, but to the extent possible, as a design
6 principle here, we would lead with providing proper
7 incentives for different types of projects and then let
8 the market find the path to least resistance.

9 We also feel like, you know, the way when we
10 talk to the value of the credits, you know, we believe
11 that you should be paying an EDC for moving the power
12 and using their lines. So we feel that siting the
13 project within the EDC territory is fair game anywhere
14 within the EDC territory. I understand, you know, that
15 you want it as close to the customer as you can, but
16 given land constraints in this most populated state in
17 the country, it would need to be a little bit flexible
18 on that one.

19 With respect to low- and moderate-income
20 folks, again, we would also go down the path of let's
21 define perhaps even a sliding scale for an individual
22 project, what percent of the project off-takers are LMI
23 and then, you know, provide an additional adder for
24 that, as opposed to again a prescriptive segment
25 target.

1 As we're looking at some other states, we're
2 seeing that there is a little bit of a challenge in
3 customer acquisition for that segment and a lot of
4 these projects fall into corporate customers. So
5 that's something that we need to be aware of.

6 I think the only thing -- the only other
7 thing I would add is we have built projects on
8 landfills. We do believe that those are technically
9 feasible. We do understand that there's settlement and
10 there is some concerns about -- different than just
11 putting it on a greenfield project, but we do feel
12 those are feasible.

13 We think that, you know, large scale projects
14 built on landfills can deliver some of the best
15 economics and result in the lowest cost incentives to
16 the state, if we can do that.

17 One thing that would be helpful is we've seen
18 a lot of time wasted in discussing limitation of
19 liability when we're involved in a landfill project
20 because of all the history of landfills and what
21 possibly could happen. So the more the state can help
22 in setting up rules to avoid that, the faster we can go
23 with landfills and brownfields.

24 So those are all my comments.

25 Thank you.

1 MR. WINKA: So in the statute there was
2 increase in the solar RPS. So there's something around
3 600 megawatts of incremental load between this year --
4 well, yeah, this year.

5 So your comment was you've seen impact of
6 this program on that. So if you can submit those
7 calculations and that sort of modelling that you've
8 done, we would appreciate that.

9 I can answer your question on the incentive.

10 So the answer is: What do you think?

11 So the good thing about sitting up here is I
12 don't have to answer those questions. And I'm not
13 being rhetorical. We asked that question earlier.
14 We're spending \$1.3 billion. Where do you see -- and
15 to other folks, where do you see that sort of -- and
16 there's other things we're going to be doing and other
17 things that are going to be good for society, but where
18 do we sort of -- how do we balance out all those
19 issues?

20 So it's not a rhetorical question. It is
21 we'd like to hear your comments on how do we break out
22 those things.

23 MR. BARTH: The thing that we would be
24 leaning on and thinking about is, you know, an SREC is
25 very important in terms -- I think part of our

1 objective here in community solar is we're trying to
2 build projects here in New Jersey to build-out
3 distributed energy resources in the state, employ
4 people here in the state, and create benefits for
5 people in the state.

6 SRECs have been instrumental in helping us
7 build a large, robust, in-state market, and I'd be
8 looking for ways to continue to leverage that for this
9 pilot.

10 So if there was a way -- and I don't know if
11 there's a way, if there was a way that the BPU could
12 adjust the RPS for whatever it would add as a result of
13 this pilot in the context of, you know, we're going to
14 100 percent clean energy so what adjustment we need to
15 make here in the bigger picture would be a minor one.
16 That's the direction I'd be thinking of.

17 But, you know, I don't know all the details
18 on what you guys are having with that.

19 MR. WINKA: And we're not looking for your
20 answer here; but if you can put it in writing, that
21 would be helpful.

22 Thank you.

23 MS. BENREY: Right before we let you go.

24 Sorry.

25 Very small point.

1 You mentioned that the maximum subscription
2 size or a project should be sized at about 80 or
3 90 percent. Do you have any suggestions, should there
4 be a minimum; and if there should be, what should it
5 be?

6 MR. BARTH: A minimum size for the entire
7 project or a minimum size for the --

8 MS. BENREY: For if it's a subscription or
9 whatever business model the community solar array is
10 pursuing, should there be a minimum imposed on what an
11 individual subscriber's load is being?

12 MR. BARTH: I would need to think that
13 through. Off the top of my head, I would say no. I
14 would say that's up to the developer. I think the
15 developer, from an efficiency standpoint, would want to
16 be signing up as many high-load factor customers as
17 they could and they'd be targeting those folks
18 appropriately and messaging that the more the better.

19 So I have to think further about that.

20 Thank you.

21 MR. SHEEHAN: Our next speaker is from Direct
22 Energy Solar. It's Daniel Schneider.

23 Okay. Jonathan Ratner.

24 All right. Well, that was the people who had
25 pre-signed. So we're going to take a look at the

1 people who have signed up at the front door. So some
2 of these might be duplicative. So I apologize.

3 Carol Hemington, you've already spoken.

4 Right?

5 That's what I thought. Thank you.

6 Ryan Marrone from Solops.

7 MR. MARRONE: Yes.

8 MR. SHEEHAN: Thank you.

9 MR. MARRONE: Thank you.

10 MR. SHEEHAN: And you can go ahead and spell
11 your last name for the court reporter.

12 MR. MARRONE: Sure.

13 Ryan Marrone, M-a-r-r-o-n-e. I'm the
14 President of Solops. I was most recently the Chief
15 Operating Officer and the founder of Blackstones
16 Renewable Energy Company.

17 Just a couple comments, first, I want to
18 thank Larry for his comments. They were right on
19 point. And it's been a pleasure working with him in
20 the pre-legislative process. And I think he touched
21 upon some very good points.

22 We've developed or I've developed over the
23 past 10 years around 320 megawatts of projects across
24 the United State in the C&I space, 40 megawatts of
25 those have been on landfills sited throughout

1 New Jersey, Massachusetts, New York.

2 And I would submit and concur with Larry's
3 comments with respect to development on landfills.
4 They can be very beneficial.

5 And in the work that we did in conjunction
6 with a lot of the stakeholders and the legislative
7 process, the concept that we were really focussed on
8 was factoring on how to reduce the cost overall in
9 development projects.

10 Part of the reason we suggested larger scale
11 development on brownfields, landfills of the sort is to
12 reduce the cost overall so that it could provide more
13 savings to the consumer, less cost and burden on the
14 ratepayer so you can develop those projects.

15 The idea is to preserve the SREC market for
16 the legacy projects that have been built and
17 operational in the state and provide a path forward for
18 new opportunities.

19 One of those was to talk about a carve-out or
20 an increase of the RPS associated with the community
21 solar and the remote net metering piece that, that can
22 operate independently with a secondary SREC market
23 perhaps that can subsidize and provide support to those
24 particular projects at a lower SACP factor. And if you
25 establish all those rules ahead of time so that legacy

1 SRECs, the original SREC I program cannot be utilized
2 to meet the RPS requirements of the community solar or
3 the remote net metering program, you can create a
4 secondary SREC market.

5 This is similar to what was done in
6 Massachusetts. We were part of the rulemaking process
7 over there when they were doing their various programs,
8 and it really looks to factor in the consideration of
9 the hundreds of millions and billions of dollars spent
10 over the years in getting the market established in
11 New Jersey without jeopardizing those projects. It
12 allows a nice path forward as we transition.

13 When we talk about the siting locations,
14 which was the primary point of this component, Larry
15 was right on point with respect to the EDC.

16 We looked at the underserved markets of the
17 LMI community in the urban areas and it's critical to
18 being able to provide a growth and meeting objectives
19 of the State of New Jersey.

20 The issue you have, right, is to give them
21 the savings that you want to be able to meet, perhaps,
22 an SREC II with reduced SACP factor, you need to be
23 able to build scale more efficiently. The utilization
24 of urban areas is more costly in building those
25 particular projects. So being able to establish and

1 get scale of 2, 3, 4 megawatts and be able to serve
2 those communities requires that they be sited further
3 out from those urban areas. Typically because you
4 don't have the scale squats of land to be able to do
5 the scale and efficiency and construction of it. So
6 it's certainly I think a benefit of balance to be able
7 to establish that.

8 One of the components with respect to the
9 CCSA, and I thought they were very good, I wasn't sure
10 where they were going to be going, but I commend them
11 with their comments.

12 The only thing I would touch upon, as well as
13 Ms. Fox, in which she had indicated about the
14 greenfields, is an added benefit of solar development
15 is that it enhances value. If you're a real estate
16 owner and you have static revenue you're receiving for
17 commercial rooftops or a warehouse, you can add revenue
18 by leasing your roof.

19 One of the other things about this
20 opportunity with brownfields, landfills, and one of the
21 things that wasn't included that we think should be,
22 there is a need of redevelopment to receive blighted
23 designations, is putting fallow or underutilized land
24 back to work and utilizing private dollars to be able
25 to clean up those particular circumstances.

1 So rather than utilize public dollars or
2 grant dollars or tax dollars to improve a brownfield,
3 improve a blighted area, close a landfill or complete a
4 landfill closure, utilize the private developer
5 investment through renewable projects to be able to
6 clean up those projects, clean up those properties that
7 benefits the community and the state by putting them
8 back on the tax rolls for the townships. So there's an
9 added benefit with a focus on the development of those
10 projects, whether it's done through an adder, as some
11 others have suggested. It certainly is one of the
12 things that is really important to focus upon with
13 respect to those properties and those types of projects
14 used for siting.

15 Parking lots are great. Carports, we just
16 finished 50 megawatts of carports for public entities
17 in California. They're great, but they're more
18 expensive.

19 So when it comes to reducing that cost for
20 the ratepayer, reducing the benefit with respect to the
21 off-takers for the property, that's the only downside
22 with respect to the carports. Certainly, we don't have
23 objection to utilizing them, particularly in hot areas
24 in the state. In southern states, we did them a lot
25 because there's an added benefit with respect to

1 covered parking and factor in the charging stations.

2 That's all I have.

3 MR. SHEEHAN: Do you have a sense of scale
4 and scope of blight redevelopment areas in the state?

5 MR. MARRONE: You know, I would say yes.
6 It's rather significant, but it is municipal limited.
7 Certain municipalities have virtually none. But the
8 ones that have it are prevalent with it. And even if
9 you talk about bluefields areas, like the City of
10 Rahway, that has it. You know, we've looked at their
11 bluefield designated areas and figure is there a way to
12 be able to capture those properties so that you can
13 actually repurpose them.

14 Those unaware of bluefield areas are areas
15 that were subject to flood zones and basically
16 designated you can't development anything else because
17 of the likelihood that they're going to re-flood.

18 So the towns in a sense have been forced to
19 take over ownership of those particular properties at
20 their own cost, but now they can't do anything with
21 them. So they're off the tax rolls and they had to
22 acquire the property.

23 So perhaps to re-purpose those lands by
24 putting solar. They'd be small arrays, but they would
25 serve that benefit. And if there was an upside or

1 cooperation with the EDA or some other grant associated
2 with it, it might be a better utilization of the public
3 dollars that are allocated or required to be spent with
4 the bluefield program, to put them to this use to work
5 together.

6 It's really that focus of utilizing private
7 dollars to assist and help with overwhelmed public.
8 Because private developers have the wherewithal to pool
9 what levers are appropriate from a financing
10 perspective to make things work. If the rules are such
11 that we know what the rules of the game are, we'll work
12 on the private side. And financing projects on
13 brownfields and landfills, we've never found a problem
14 with it from all of the Wall Street partners and banks
15 that we've utilized, whether it be through debt for tax
16 equity facilities. It may be more complex and a little
17 bit more difficult from a documentation perspective,
18 but it's certainly out there.

19 MR. WINKA: You started to touch on the
20 question that was raised. So Mr. Barth raised a
21 liability issue on landfills, a liability issue on
22 brownfields.

23 So is there any other cost in there?

24 And does the DEP -- or is there something we
25 should be talking to DEP about in the same vein that

1 Mr. Barth raised on landfills?

2 MR. MARRONE: There absolutely is. There's
3 an added cost from a legal perspective and an
4 engineering perspective in putting the documentation
5 that are going to coverup that liability risk. There's
6 policies that we can also purchase which offset it.

7 One of things that's somewhat helpful is if
8 you use a friendly, through a senior property, I'm here
9 talking about land and redevelopment of land, then that
10 can clear the title and clear liability issues. And I
11 think it's something we actually have to look at.

12 The problem you have is when you talk about
13 strict liabilities under Circular ARICRA (phonetic),
14 you're dealing with the federal regulations. If we
15 talk about things like PCBs which are under federal
16 TSCA regulations, a little bit less enforcement. But
17 there has to be a cooperation between the DEP and the
18 municipal property owner and the federal government,
19 the EPA, in order to try and work through that.

20 But there's absolutely a benefit to it if you
21 can streamline or reduce the regulatory process to
22 provide some protections so that that liability cost is
23 either reduced or at least the timeline for clearing it
24 out for the documentation, the insurance, and the
25 engineering that time period is strong.

1 MR. WINKA: Thank you.

2 MS. BENREY: I forgot my question.

3 Yes.

4 So based on your comments, it sounds like
5 you're saying -- so we heard from previous speakers
6 that ideally we want to locate projects in cities next
7 to the people that they would benefit, potentially
8 withdraw benefits, etcetera.

9 It sounds from your comments like that may be
10 a little bit difficult from a sizing and economic
11 perspective. We'll get into the finance at a later
12 session.

13 Do you envision a path forward for perhaps
14 smaller scale projects in urban areas that would be --
15 and perhaps some returning to -- which is what is
16 community solar, but that would be directly embedded
17 into a community in which they would benefit? Is that
18 something pursued? Is that something you would
19 consider pursuing, and under what conditions?

20 MR. MARRONE: I like to look at a community
21 as all the people in the State of the New Jersey are
22 one big community, and the renewable portfolio
23 objective it's statewide. It's not municipal-wide and
24 of the 535 municipalities and the 20 counties.

25 I would certainly look at, as a developer, at

1 urban development opportunities that are smaller scale.
2 The issue we run into is: What is our average cost of
3 capital? What does the financing mechanism look like
4 for that based upon the scale that we get to build it?

5 And with the ever-changing landscape of the
6 ITC and where it's at and you have now rising debt
7 markets and with the longstanding current projection is
8 for the debt to offset the decline of the ITC which is
9 the balance of how you're going to actually finance
10 these things over a long period of time and what the
11 future markets are going to look like.

12 So getting costs down is tremendously
13 important. So it doesn't exclude them. It just
14 doesn't make them the ideal optimal opportunity.

15 So I would leave it to the private developers
16 and all my colleagues that are in the development of
17 the solar space to be able to determine what those
18 economics are and whether they work for them. And
19 there are certainly in the private sector going to be
20 companies that can focus on serving those markets, just
21 like there are companies that focus on building
22 residential for the LMI community with the lower FICO
23 scores.

24 So I think it's absolutely an opportunity. I
25 think it's something you should consider. I just

1 don't.

2 Think it should be exclusionary.

3 Thank you.

4 MR. SHEEHAN: I'm going to apologize for this
5 one, Royal (sic) Tuff.

6 Is that somebody who signed up from Green
7 Faith I believe?

8 REVEREND TUFF: For the next session.

9 MR. SHEEHAN: Got you. Okay. Very good.

10 Thank you.

11 Would you like to speak for this session or
12 next session?

13 REVEREND TUFF: Next session.

14 MR. SHEEHAN: Gaylord Olson.

15 MR. OLSON: Hello.

16 My name is Gaylord Olson, O-l-s-o-n. I'm not
17 representing any specific organization. I'm a
18 semi-retired engineer, and I've been looking into some
19 of the real numbers, comparing small rooftop solar with
20 much larger scale solar. And there's at least one
21 member of the audience who was part of the rural group
22 where we kind of met informally in Mercer County, and
23 we would talk about one of these factors that should be
24 looked at to prepare it, you know, the economy of
25 scale.

1 And we've heard a few times the mention of it
2 as the economy of scale. But I'd like to put out some
3 real numbers for you.

4 And we're going back to four years ago, the
5 research that I did, indicated that you could buy about
6 twice as much power from a large scale array per
7 dollar. Twice as much, as compared to small rooftop
8 array. And I think that's probably pretty close to
9 still true.

10 However, another factor coming into play in
11 recent years and that is large utility solar arrays
12 incorporate what's called one access tracking where the
13 arrays can be -- I see people nodding. If you don't
14 know what that is, Wikipedia will tell you.

15 But, anyway, the arrays can rotate slowly so
16 that they face the sun at all times so that gives a
17 significant extra benefit.

18 As a matter of fact, the National Renewable
19 Energy Laboratory once a year puts out some comparative
20 numbers and the most recent numbers I have right here.

21 They actually separated four different
22 categories of solar electricity. One being residential
23 rooftops. And the average cost -- and this is going to
24 be in terms of energy, not power. There's a
25 difference. And in terms of energy kilowatt hours

1 selected per year, the cost for residential rooftop is
2 14.8 cents per kilowatt hour.

3 Now, there are three other categories. The
4 larger size category, being the one access tracking
5 systems, utility scale. The cost for those averages
6 out to be 5.25 cents per kilowatt hour.

7 You can take the ratio of those two numbers,
8 it comes out to 2.8. In other words, you can buy 2.8
9 times energy per year if you're a part owner of a large
10 array, hopefully, community solar.

11 And so this is pretty significant. I hope
12 you can all keep that number in mind: 2.8 times more
13 power than a very large array, as compared to a rooftop
14 array.

15 A couple of other factors that come into play
16 in this comparison are if -- if you happen to have a
17 home with trees, large trees in your yard, that home is
18 more valuable than a home without the trees.

19 And I've seen various numbers between 4 and
20 15 percent. Now, the most recent numbers for that
21 indicate the value of the home is increased between 7
22 and 19 percent. That is an increase in the value of
23 the home if it happens to have large trees around it.

24 Of course, rooftop solar would not encourage
25 anybody to have large trees there because then it

1 wastes their money for the rooftop solar.

2 A third factor, which is harder to quantify,
3 would be lower air conditioning bills, if you can keep
4 the home in the shade of trees. And people are nodding
5 yes to that.

6 So anyway there are these three factors that
7 I think we should all keep in mind to help us encourage
8 the promotion and discuss it with your neighbors and
9 try to convince them that they should pursue this
10 concept as rapidly as possible in my opinion because it
11 makes pure sense to have people to be encouraged and
12 allowed to be part of a large array rather than on the
13 roof.

14 One other factor, which is something that is
15 happening around the world, not so much where we are,
16 but it's happening in Italy and Japan, Korea, and that
17 is putting solar electricity on bodies of water. And
18 if you want to see some of the specifics, go to
19 Wikipedia, type in floating solar. It's another way to
20 avoid agricultural land being taken up for this
21 purpose.

22 So, again, I would encourage you to look at
23 it also, but I'm really happy to see such a large
24 number of people in the audience here. And I hope we
25 can pursue this concept as rapidly as possible.

1 MR. SHEEHAN: Thank you very much.

2 MR. OLSON: Okay.

3 MR. SHEEHAN: Next up is the Director from
4 Montclair State Program. I'm sorry. I'm going to have
5 trouble with that name.

6 MR. LAL: L-a-l; first name, P-a-n-k-a-j.

7 A lot of stakeholders here. I thought -- me
8 I'm stakeholders at the center, again start by the
9 university. Just like a few months ago and some of the
10 BPU. So we have primary research of the state.

11 Again, we're moving on the clean energy for
12 quite a bit and in terms of the past research.

13 And one of the things that we got modelling
14 where it was the requests of these stakeholder
15 meetings, I see a lot. Some were like Newton in a way,
16 like with vehicles, between university, as well as the
17 private parties.

18 We have objectives. We do research. And
19 that is our way, like every question that I have. I
20 see a lot of research, also from the private sector,
21 the EDCs and others. We talk about costs. We talk
22 about incentives. We talk about access.

23 But what are we lacking? Are we moving too
24 fast? Are we moving too slow?

25 We see that this side that we are university

1 and this makes sense, economy costs. But on the other
2 side, we say, fine, it's like we have enough.

3 So those are -- and bring it up here in terms
4 of that, that BPU, and other agencies are appreciative
5 university's role and community solar, as well as
6 larger indicators that the state is moving on is always
7 larger in the segment. But also a lot of partners
8 between the private sector, as well as the university,
9 as well as the regulators and the government.

10 And I wanted to highlight some of the
11 questions. I'm also a professor, but we learn a lot
12 from our opportunities from the society from things
13 that are happening, and these stakeholder meetings is a
14 lot of learning, from me, as well as my students, but
15 also some of the analysis and other data is lacking.

16 And we said that -- has but how we are moving
17 forward? Those kind of analysis and my in terms of
18 modeling and analytics so we have more quantitative
19 side and in community costs, economy costs. But how do
20 we design and how do we design for this and what impact
21 it has?

22 And as modelers, it's complicated, the
23 economy margin, the energy sector does not operate
24 inside. That came out in CCSA when they talked about
25 how they would define marginal lands.

1 I think that is what we economists have been
2 grappling for a long time and because like one land
3 moves to another in different crops because it is not
4 beneficial. If it is underutilized, it can be
5 underutilized based on the market.

6 And when we are investing in these kind of
7 pilot programs, we go on marginal land and also the
8 conservation. Like I heard, I might -- I heard two
9 different sides, like forest lands for sale or
10 underutilized. We have so much open space, need to be
11 looked at. And these stakeholder meetings look at it.

12 We can take a lot of opportunities to learn
13 from each other and what we have been doing and it is
14 our business or do we do our business modeling for
15 teaching and research. But we see that we learn a lot,
16 we adapt.

17 And I thank you all for this opportunity and
18 we look forward to working with you all.

19 Again, thank you for the opportunity. That
20 is what I was here to say.

21 MR. SHEEHAN: Thank you, very much.

22 Next up would be Ross Abbey from US Solar.

23 MR. ABBEY: Ross Abbey, A-b-b-e-y, US Solar.

24 Thanks for having us.

25 US Solar is, I would say, a small sized

1 developer. We've got about 20 employees. Our
2 corporate office is in Connecticut, just across the
3 border. We've got developers and projects in
4 Connecticut, Illinois and Minnesota and New York.

5 I want to speak to three issues.

6 One, the definition of community, how do you
7 define community.

8 A couple others have said this, in terms of
9 flexibility and allowing every market to work, I think
10 it's important to allow these front-ends to be sited
11 anywhere in a utility.

12 And the programs we're most active in
13 community is really defined by this penalty that is
14 assessed against the developers for unsubscribed
15 energy.

16 The deal is no fair penalty about 2 megawatt
17 or 5 megawatt array, calling it community, unless
18 you're actually subscribing 100 percent of your project
19 to the community. And that puts the onus on the
20 developer to go out and cobble together, you know,
21 approach to churches and approach to the large
22 employees -- employers, approach cities and water
23 utilities. And unless we can convince those members of
24 the community to sign a long-term contract with us to
25 join us in envisioning and development of new projects,

1 you know, we're not going to be able to build the
2 projects and make a profit.

3 So I'm not sure at what point today if you
4 guys are going to talk about unsubscribed energy
5 penalties, but I think that is an important argument.

6 In terms of market and project size, we
7 support CCSA's proposal of 150 megawatts per year. As
8 a 5-megawatt project size, that should lead to at least
9 30 projects a year. I mean 150 projects over the
10 course of the pilot.

11 The truth is we see project attrition in a
12 lot of markets, especially a new market. A lot of the
13 proposed projects maybe never go forward. Even from an
14 interconnection perspective or renewable lighting
15 perspective or perhaps we can't get to that 95, 100
16 percent subscriber level that they need to get the
17 financing. So be ready for a fair amount of attrition.

18 And the reason we really like the idea of 150
19 and 5 is that does allow, call it, 20 or 30 projects a
20 year. You start to get a big enough scale where you've
21 actually got a real market and competition among
22 employers. Competition is I think should be a primary
23 goal because that allows subscribers to look at
24 multiple offers and pick the best offer. They can shop
25 around in price. It puts developers in a position of

1 also competing on price and competing on quality.

2 So if you go in a smaller project where
3 there's other projects less than 150, I would say maybe
4 consider scaling down the maximum project size so you
5 maintain that 25, 30 projects a year so you do have
6 that competition.

7 Obviously, smaller project sizes maybe you
8 have less economies of scale so you have higher costs
9 in the system. But the key is to turn on that market
10 competition and it will drive down costs.

11 And then, finally, in terms of siting, I
12 think folks probably know this, but developers we
13 really are constrained by the great infrastructure.
14 There's a lot of places, a lot of landfills, I think
15 maybe 90 percent of parcels out there are just not good
16 sites for solar from an interconnection perspective.
17 Either the facilities aren't currently there so we need
18 to pay a lot of money to upgrade it or if a substation
19 capacity is limited. And so it's somewhat unfortunate,
20 but that combined with local land use zoning, we're
21 already very much constricted.

22 So that's why I support the idea of adders,
23 or brownfields and landfills and some of these
24 preferred areas; but if you limit the program to that,
25 then you really I think risk having enough projects to

1 turn on that market competition.

2 Adders are great, specifically if you're
3 increasing the subscription to the subscribers because
4 then that drives subscribers to prefer those brownfield
5 projects to higher grades. Maybe you're increasing
6 ratepayer impact with that. So an alternative may also
7 take into consideration would be instead of having a
8 financial adder, you could maybe have a differentiated
9 project maximum size.

10 So, for example, in Illinois, Minnesota, we
11 are doing a lot of projects with soy and corn growers.
12 They actually love these projects because it allows
13 them to take maybe a fourth or fifth of their acres,
14 put into solar. They give us their worst acres where
15 they're not making much money on the corn. And then
16 plant it with pollineer prevalene (phonetic), all of a
17 sudden they've got kind of a wildlife refuge that draws
18 pollineers and benefit, well, vegetable growers and
19 other types of growers around them.

20 But if you want to avoid your solar project
21 taking up the entire farmland, you can do, for example,
22 a 2 megawatts cap on greenfields and a 5 megawatt cap
23 on brownfields and that would be one way without
24 increasing the financial payments that you can kind of
25 steer more development activity.

1 That is going to lead developers to at least
2 strongly consider those brownfields in developing that
3 parcel.

4 So, yeah, I appreciate being able to speak to
5 you.

6 MR. WINKA: So thank you for you comments.
7 We appreciate that.

8 So we're here because we don't have all the
9 answers and we're trying to put together a program and
10 spitballing some ideas and your sort of throwing some
11 things out there.

12 One of the things we've been thinking about,
13 and you raised this with the interconnection issue, is
14 so where are those locations?

15 Would it benefit the State of New Jersey to
16 do some along the lines about hosting capacity
17 statewide or is that just should we leave that on to
18 the private sector and say you find the best locations?

19 MR. ABBEY: Yeah, it's a great question.

20 I think the utilities are going to be faced
21 with this question from the private sector regardless,
22 where the developers come and say can you share basic
23 information about your voltage on this line and your
24 conductor width on this line and your association
25 capacity.

1 So what we've seen is developers, utilities
2 in those states kind of want to get in front of that
3 and provide you with some base level of public
4 information, that way not answering a hundred e-mails.

5 But, yeah, typically, I think it's going to
6 be a combination of the two.

7 MR. SHEEHAN: Thank you.

8 MR. ABBEY: Thank you very much.

9 MR. SHEEHAN: Lena Smith from Food and Water
10 Watch.

11 MS. SMITH: Good morning.

12 MR. SHEEHAN: Good morning.

13 MS. SMITH: My name is Lena Smith. I am from
14 Food and Water Watch. We are a national advocacy
15 organization that champions healthy food and clean
16 water. I also am representing a coalition of over 50
17 organizations today that come from faith, labor,
18 environmental, community, business, and political
19 communities.

20 And we agree that -- that we only have about
21 20 years to address the urgency of climate change and
22 that we need to cut our emissions to zero before we
23 reach key climate tipping points and see that a robust
24 and a charity community solar program with meaningful
25 LMI access will accelerate a transition to renewable

1 energy and address the climate crisis.

2 We also see that community solar is a program
3 for people who -- without rooftops, develop solar, and
4 can get the benefits of renewable energy and that the
5 participants receive a share of the utility bill
6 credits, tax incentives, and production incentives when
7 implemented in a way that ensures low-income household
8 participation. Community solar programs can be spread
9 into either rural communities that may not otherwise be
10 able to afford distributed renewable energy.

11 So we primarily are concerned with low- to
12 moderate-income access, but also the urgency to swiftly
13 adjust the transition to renewable energy.

14 Regarding the siting and project size then,
15 the program should be robust enough to ensure a variety
16 of scenarios that are considered for all low-income
17 housing types. So those efforts should be made to
18 serve multi-unit apartment buildings, multi-family
19 homes, and single-family homes. And then when serving
20 multi-apartment buildings, the community solar pilot
21 program should also seek to serve those buildings that
22 are run by housing authorities, privately-owned
23 buildings, and cooperatively-owned buildings.

24 The program should also be developed in
25 conjunction with institutions that have ties to the

1 communities and where community solar projects are
2 truly sited. This would include community development
3 corporations, nonprofit organizations, and/or county or
4 municipal governments.

5 So the question of capacity, excess annual
6 capacity should be utilized to generate electricity and
7 the electricity generated by this project should be
8 sold into the grid and credited at a retail rate.

9 Those proceeds from the sale should be placed into a
10 fund administered by the BPU to support the development
11 of Clean Energy programs in low-income communities.

12 And regarding the geographic limitations for
13 community solar pilot projects, we are advocating that
14 community solar projects be located primarily in urban
15 areas and be placed in underserved areas.

16 The projects can include incentives for
17 projects to be developed in environmental justice
18 communities and preference should be given to projects
19 sited in environmental justice communities.

20 We also are encouraging the BPU to work in
21 conjunction with the DEP to reinstall the cumulative
22 impact tools and help identify environmental justice
23 communities and prioritize community solar projects in
24 DEP defined environmental justice communities. This is
25 typically a census plot group for which 30 percent or

1 more of the population consists of low-income persons
2 who are not institutionalized and self-designation as
3 an environmental justice community should also be
4 allowed.

5 That's it for now.

6 Thank you.

7 MR. SHEEHAN: One question.

8 There's siting in SJ environments or is it
9 serving environmental justice environments?

10 MS. SMITH: Siting in EJ communities?

11 MR. SHEEHAN: Yeah.

12 Is it siting or is it serving or it's both?

13 MS. SMITH: Both.

14 MR. SHEEHAN: Okay.

15 MS. SMITH: The project should be located as
16 close to the communities they serve as possible.

17 That would also allow for workers to be
18 workers from those communities to be employed at the
19 projects that are being built.

20 MR. SHEEHAN: Thank you.

21 Those are all the speakers that we have
22 listed.

23 Is there anyone else who would like to speak
24 on Topic I, siting and project size?

25 Please come on up.

1 MR. BRADY: Good morning.

2 My name is Mark Brady. I'm with Pravco,
3 Incorporated. We're an EPC. We do the entire State of
4 New Jersey solar development.

5 Just a couple of comments on placing the
6 sites. I hear a lot of talk about landfills,
7 greenfields, bluefields, any land development is going
8 to take a lot of time. The fastest way to get the
9 pilot off the ground is rooftops. Permit-wise it will
10 be the most expedient. This will also allow siting
11 within the urban district and can be coordinated with
12 your energy efficiency program as far as if you could
13 offer incentives to commercial rooftop on roof
14 replacement.

15 This would allow for siting in the urban
16 centers, allow for green minority participation into
17 the project, not only for building the project, for
18 doing the O&M on maintaining the project. So it would
19 be a long-term employment opportunity for the
20 minorities in the neighborhood.

21 So really it's just to consider the
22 commercial rooftop as a quick alternative or actually
23 the quickest way to get your program off the ground and
24 keep it moving forward.

25 MR. WINKA: So how you would you see building

1 scale?

2 So in the Statute it says up to 5 megawatt.
3 So I'm not aware of commercial roof space that are
4 larger than a megawatt.

5 MR. BRADY: Surprisingly, there are a number.
6 A lot of warehouse facilities or commercial facilities
7 in the urban areas often are in need of roof
8 replacement. Such a large roof is very expensive to
9 replace. So a lot of the owners will only replace part
10 of it at a time; whereas, if there was an incentive to
11 do energy efficiency or some other type of incentive to
12 enable them to replace the entire roof, you could very
13 well easily fit 5 megawatts on quite a few commercial
14 buildings.

15 MR. WINKA: And the other part, since you're
16 an installer, what would you -- what would you need --
17 and you said hiring from the community, what would you
18 need to see to be able to hire those folks from that
19 community? What would be in your sort of hiring
20 employment structure?

21 MR. BRADY: The commercially -- on the
22 commercial structures, that would be -- we deal with
23 Local 3, the IBEW. So really we get involved with the
24 unions.

25 MR. WINKA: So it would come through the

1 union internship program or something --

2 MR. BRADY: Yes. On the construction of the
3 site, as far as the O&M, that's a little more flexible.

4 MR. WINKA: Okay. Thank you.

5 MR. SHEEHAN: Do we have anyone else who
6 wishes to speak on Session I?

7 MR. WALLACE: May I speak?

8 MR. SHEEHAN: By all means, sir.

9 MR. WALLACE: Good morning -- good afternoon.
10 What is it, morning yet?

11 My name is Rob Wallace. I'm with -- CEO of
12 Power52 based out of Baltimore, Maryland.

13 We have two sides of our business. One is a
14 foundation which does workforce development and job
15 creation for average individuals. Where they get their
16 NSEP, OSHA, NCCER, construction training, and that they
17 actually build projects for us. And then on the energy
18 solution side, we are a financier, developer,
19 construction company.

20 I've been in the industry 12 years, done a
21 lot of work with Miller Brothers there and CORE,
22 Washington Gas, a lot of folks in this room.

23 I wasn't going to say anything about the
24 whole LMI piece, except that some of the stuff that I
25 was hearing in the hallway was like.

1 One of my concerns with the siting size is
2 most urban centers don't have the money. All right.
3 They don't have roofs that have a 20-year warranty
4 where you can put 1 to 2 megawatt size systems on that
5 roof. Right.

6 Number two, most low-income communities don't
7 own the house that they're renting; what they're
8 renting is multi-family units.

9 So one of things we've done in Maryland is we
10 are siting the systems within the state utility, but
11 outside of Baltimore City, for example. Right. So we
12 trained 100 and something -- 150 people, 87 and a half
13 percent placed in solar jobs.

14 The advantage there is really getting them
15 out of the communities they're in. It's not keeping
16 them in the community. So the goal is to teach and
17 train so we put our training locations in their urban
18 centers, but then we transport them out to do the
19 construction. So they go to New Hampshire, like they
20 go to North Carolina where they can build.

21 And so what happens is it just doesn't just
22 change them from a technical perspective, but it
23 changes them spiritually, physically, and mentally.
24 Right. So they go from three cigarette packs a day to
25 two, two cigarettes because of lack of stress. Right?

1 And so my point is I think the goal here is
2 to really get them out of these urban centers. How do
3 you do that? You make sure they're skilled. You make
4 sure they have potable skills that they can take and
5 get a job in Baltimore. They can take a job in
6 New Jersey and go to Chicago. And so those are the
7 types of systems that we look at.

8 We just signed a 14 megawatt deal in Maryland
9 specifically for LMI; 51 percent are applicable with
10 the LMI communities. They are all based with in BG
11 territories and surrounding territories and the
12 graduates from our program build the projects.

13 And so from our perspective, we don't want to
14 be in the urban centers, we don't want to be in the
15 land that's more expensive. We're not going to be able
16 to produce projects that are going to provide no
17 savings for the people that we're trying to serve.

18 So my recommendation is to be able to
19 surround it with an outside community utility.

20 That's it. Thanks.

21 Until the next topic.

22 MR. SHEEHAN: Thank you very much.

23 Okay. Last, last call for speakers for this
24 session.

25 Please come on up.

1 MR. MCAULIFFE: Hi, everybody. My name is
2 Dylan McAuliffe. I'm with Solar Landscape. We build
3 around the state.

4 I just wanted to follow-up on the gentleman,
5 two speakers ago, was talking about siting on rooftops.
6 I agree that from a permitting perspective and, you
7 know, the infrastructure in place already, there's a
8 lot of rooftop spaces that we can take advantage of and
9 be less complicated than on the ground, and so we
10 should be trying to incorporate that into community
11 solar as much as possible.

12 And also in agreement that there are a lot of
13 very, very large roofs that are being underutilized,
14 particularly in the warehousing sector. They don't
15 have on-site load and -- or in addition to taking their
16 entire roof. So community solar is a type of
17 opportunity that would work really well for them. And
18 there potentially might be some cost upgrades if
19 they've sited their building considering smaller load
20 and they're going to be adding, covering every inch of
21 their roof with solar so they might have some
22 infrastructure costs, and they might go into sort of
23 any adders that would be involved.

24 And, additionally, working in New Jersey in
25 the past few years, we've seen is cost come down in the

1 overall cost-per-watt to build. We've seen some
2 buildings move into, you know, they're marketable in
3 the 20, 30, 40,000-square-foot range. They're actually
4 really good buildings. They're very well distributed
5 throughout the states. So if you can make something
6 work for, say 400 kW, 500 kW, community solar systems,
7 it will look like in Illinois, they were kind of doing
8 size sequencing and a few extra pennies if you were in
9 that 200 to 500 kW range, something like that.

10 Obviously, you know, we want to reward sort
11 of scalability too and those projects that are
12 cost-effective, but being able to add a few pennies
13 for, say, per kWh, something like that to 300 kW, we
14 might have systems throughout the state which might
15 involve a lot more property owners, rooftop stations.
16 So I think that's an area you want to look at.

17 Thanks.

18 MR. SHEEHAN: Thank you.

19 Anyone else?

20 With that in mind, I think we will go ahead
21 and close Session I. Session II is supposed to start
22 at 11:45, which was 4 minutes ago. I think we could
23 all use a 5-minute break, however.

24 So my watch says 11:52. Everybody be back
25 here in 5 minutes at 11:57 and we'll go and get started

1 on Low- and Moderate-Income Access.

2 Thank you.

3 (A short recess is taken.)

4 SESSION II: LOW- AND MODERATE-INCOME ACCESS:

5 MR. WINKA: Our first speaker will be Pari
6 Kasotia, Vote Solar.

7 MR. SHEEHAN: Welcome back, ladies and
8 gentlemen.

9 This is Session II, the Low- and
10 Moderate-Income Access.

11 I want to thank everybody for that first
12 session. I think it went extraordinarily well. I'm
13 looking forward to that process continuing.

14 We're going to go ahead and get started once
15 again with the pre-registered list. And at this point,
16 we're starting off with Vote Solar.

17 PARI KASOTIA: Hi, everyone.

18 Again, Pari Kasotia, Vote Solar.

19 We have been having some discussions with
20 other environmental and equity groups in New Jersey so
21 some of this may reflect their viewpoint but not all of
22 them.

23 So, first of all, for low- and
24 moderate-income access and a few other -- to talk about
25 during the program carveout of 15 percent of the total

1 capacity for underserved communities. And we propose
2 that goal. I think it's important to have a clear
3 direction on how we're addressing low- and
4 moderate-income customers. So by doing some carveouts,
5 you get to that.

6 We also recommend the BPU to explore
7 programmatic support and incentives and consumer
8 protection measures will ensure that low-income
9 customers have access to community solar programs from
10 the outset and then the markets will develop to support
11 their robust, long-term participation and benefits.

12 We also want to touch on how we define
13 low-income customers. We want to make sure that if
14 we're using the income definition, which is 80 percent
15 of the income, that could serve as a baseline for
16 low-income definition, but we want to make sure we are
17 not excluding other criteria, for example,
18 environmental justice communities or communities of
19 color.

20 So I think Lena from Food and Water Watch
21 earlier mentioned what an environmental justice
22 community is. One definition is using the U.S. census
23 log group which is at 20 percent of the population come
24 from low-income people who are not institutionalized or
25 a community which themselves, as an environmental

1 justice community for reasons including, but not
2 limited to race, color, national origin, or income.

3 We think the community will impact too based
4 on the feedback that we have gotten from, including
5 partners in New Jersey, is a good tool. So we
6 encourage BPU to explore the cumulative impact to
7 identify communities that prevent them most from the
8 community solar projects.

9 We also feel strongly that the low-income and
10 other underserved customers, for them to participate,
11 they must experience tangible economic benefits for the
12 value of the credit they receive for their community
13 solar subscription must be at least equal to their
14 retail electricity rate. So when we say support retail
15 electricity rate, we ask the BPU to explore avenues
16 somehow to make that happen for low-income customers.

17 We also encourage BPU to create incentives
18 that would encourage the siting of projects and
19 low-income communities of color and environmental
20 justice communities so that these customers benefit
21 from the entire realm of economic and social benefits.
22 Affordable housing facilities, low-income service
23 organizations, and disadvantaged business enterprise,
24 and central projects should be offered incentives under
25 the program.

1 Long-term funding to support low-income
2 participation and ensure benefits for low-income
3 customers are maximized under the program is essential.
4 So we encourage BPU to explore long-term strategies on
5 how to support low-income customers, as opposed to just
6 looking at the pilot program.

7 We recommend exploring the Clean Energy
8 Program funds as one of the revenue sources, as well as
9 proceeds from the RGGI funds. We recognize that at
10 this point we don't know how the new SREC program will
11 shape up. That will be another area for funding for
12 low-income programs.

13 Financing for projects that are located in
14 low-income communities can be challenging. So we
15 encourage the BPU to explore methods for overcoming
16 those challenges related to financing by allowing an
17 appropriate percentage of any given project to be
18 dedicated to a large, creditworthy off-taker, or anchor
19 tenant, and then allowing certain entities to serve as
20 backup to subscribers. So that there are entities who
21 are willing to buy risk for low-income customers, BPU
22 should look into that.

23 In terms of the low-income verification
24 process, we want that process to be as seamless as
25 possible. In order to do so, we are asking BPU to

1 explore how the subscription and customer participation
2 in other programs can be used as a criteria to
3 automatically qualify for community solar programs.
4 For example, Low-Income Home Energy Assistance Program
5 or the LIHEAP Program can serve low-income customers;
6 and how can we use those definitions and that structure
7 to qualify individuals for community solar programs.

8 We also encourage BPU to look beyond the FICO
9 scores and credit requirements as a measure of
10 creditworthiness of low-income customers. I think it
11 should be also acceptable, a utility bill payment could
12 be one of the criteria that can be used, as opposed to
13 just looking at the credit scores.

14 The ultimate success of the community solar
15 pilot program will hinge on customer participation,
16 especially the low-income customers. We have observed
17 that without any concrete plans and funding to work
18 with trusted community-based organizations,
19 participation among these customers and other
20 underserved communities will be difficult to achieve.

21 So we are asking BPU to establish a process
22 that periodically seeks input from underserved
23 communities. The regulatory process can be challenging
24 and time-consuming for a lot equity partners and we
25 need to ensure that we are reaching to them in

1 different ways and different mediums.

2 So in order to do that, I think forming of
3 recurring low-income, slash, and underserved
4 communities stakeholder working groups will be useful
5 as it will allow feedback mechanisms over time to
6 incorporate any new changes or any new ideas that could
7 make the program better.

8 We also encourage BPU to provide technical
9 assistance and training to community organizations and
10 individuals that are in these low-income communities.

11 Community solar may still be a very new
12 concept for a lot of ratepayers in New Jersey; so
13 without having a well-defined training program, their
14 participation is likely to lag.

15 And we have to also recognize that New Jersey
16 is a state with different ethnicity and different
17 backgrounds. So you would think other languages, in
18 addition to English, should be options to use.

19 And that's all I have on this section.

20 MR. WINKA: So you talked about training
21 programs. And we've done some of those during the ARRA
22 days, the American Recovery, whatever --

23 MS. KASOTIA: Reinvestment Act.

24 MR. WINKA: -- Act.

25 So do you have examples of training programs

1 today in place, or that's things that we should put in
2 place, and the entities that we should work with?

3 I'm assuming the Department of the Labor.
4 But if you can provide those examples, that would be a
5 helpful thing.

6 PARI KASOTIA: Yes. I mean, there are a lot
7 of -- you look at mayors in different cities and
8 there's local neighborhood associations on just
9 educating consumers on how to participate in community
10 solar programs.

11 In our low-income coalition, we also have a
12 number of organizations that are presenting different
13 areas of the state that would be worth reaching out to.
14 Melissa Miles from Ironbound Community Corporation is
15 here so that would be one entity that would be useful.

16 And in terms of the outreach part, the, you
17 know, the modus for this docket, how do you make sure
18 that it's accessible in different mediums.

19 So all of this is online. And we should not
20 necessarily assume that everyone is subscribed and has
21 access to Internet. So things like that, and speak
22 English so.

23 MR. WINKA: You're right. We should have
24 posted it in several other translations.

25 That's something we can do to update that.

1 You mentioned the definitions for, you know,
2 low- and moderate-income and using some of the existing
3 definitions. But I want to go beyond that.

4 Do you see how we can use of some of the
5 existing programs actually in USF and LIHEAP and
6 Weatherization, linked to having a definition for low-
7 and moderate-income within the community solar program?

8 PARI KASOTIA: Yeah.

9 So the LIHEAP Program and Weatherization
10 Program -- utilized for low-income customers. There is
11 criteria. And we don't need to duplicate that
12 criteria, just to look at that checklist and make sure
13 that customers fit that definition.

14 I guess the bigger point about what
15 definition we use is when we talk about low-income. It
16 doesn't necessarily include other underserved
17 communities.

18 So in New Jersey environmental justice
19 communities or communities of color may not fit the
20 definition of low-income but may not have access to
21 clean energy, economy -- so how do you reach out to
22 those communities so that they benefit from a community
23 solar program.

24 So I think that's what we're getting at: To
25 be more broad in our thinking of who are the

1 underserved customers.

2 MR. WINKA: Thank you.

3 MS. BENREY: With regard again to
4 definitions, do you have an idea in mind of what it is
5 that you understand by an LMI, and speaking only about
6 LMI project, by which I mean, do you have in mind or
7 could you provide at a later time a specific breakdown
8 of, well, you need X percent of LMI participation in a
9 project in order to qualify as LMI an project? Do you
10 include in that participation, for instance, only LMI
11 residential households or do you include, say, an
12 affordable housing owner?

13 PARI KASOTIA: I mean, I don't think we
14 should make the program too restrictive in terms of who
15 participates in an actual community solar project. But
16 we could look at what constitutes LMI versus commercial
17 customers versus public housing. So I don't have that
18 breakdown with me right now. But that's one way to
19 look at it.

20 And then we're also saying that as a program
21 overall, dedicating some capacity of that for low- and
22 moderate-income customers.

23 Thank you.

24 MR. SHEEHAN: Our next speaker is from the
25 Center for Urban Environment, Nicky Sheats.

1 MR. SHEATS: Good morning or good afternoon.
2 I'm not sure what time it is.

3 Nicky Sheats. Last name is spelled
4 S-h-e-a-t-s, and I'm actually here representing two
5 organizations. I'm Director of Center for Urban
6 Environment, which is part of the John S. Watson --
7 long time -- which is part of the John S. Watson
8 Institute of Public Policy, and actually I think you'll
9 be talking to a sister policy center is the Urban
10 Center Associations and I think you'll be talking to
11 them also. But I am also representing the New Jersey
12 Environmental Justice Alliance. I'm Chair of the Board
13 of the Alliance, God help us all.

14 The Alliance -- let me say a few words about
15 the Alliance. The Alliance is the only statewide
16 organization in New Jersey that focuses on
17 environmental justice issues, and we're the only
18 statewide organization of the trusted environmental
19 issues which is a majority of color in both leadership
20 and membership.

21 We're a small organization. We're well
22 integrated, a majority of color. Small organization,
23 but we've been known as an excellent -- leader in
24 developing public policy from an environmental justice
25 perspective.

1 We have done a lot in climate change policy
2 which has been mostly ensuring -- trying to think of
3 ways to ensure reductions for environmental justice
4 communities. So we're gaining expertise. So we're
5 glad to have an opportunity to talk to you.

6 Let me start by saying this, in general, we
7 worry that the climate change policy would include
8 renewable energy, will perpetuate or exacerbate those
9 that are currently existing in our country based on
10 race and color. If you do business as usual, you have
11 a good chance to perpetuate or exacerbate those
12 inequalities, becomes business as usual, has produced
13 those inequalities.

14 So we're glad that the energy legislation
15 specifically says that there has to be access to low-
16 and moderate-income folks in community solar programs.

17 One thing we want to say is partly from both
18 is that you can't leave the racial part out. Several
19 people talked about definitions from environmental
20 justice communities. Our definition which follows --
21 we're part of the national environmental justice
22 movement. Our definition follows most of our
23 colleagues nationally, talk about low-income
24 communities, communities of color, and distance
25 communities.

1 I think we all know that there have been
2 barriers to access renewable energy and energy
3 efficiency based on both income and race.

4 So there are two things I want to say about
5 that in New Jersey. We do support and we think it's
6 important for the panel to set aside I think in mine
7 what I said 16 percent, it may have been 15 percent,
8 but at least 15 percent set aside for low-income -- for
9 low-income residents. And once you add the
10 moderate-income residents, and you don't work as much
11 with that definition, then it should be higher.

12 But in the filing that -- for individuals --
13 for low-income individuals, what we would support is
14 that you look at various definitions used by the state,
15 by federal government, and use the definition or
16 combination of definitions that yield you the largest
17 number of people eligible by income, but also captures
18 a significant number of people of color. Because even
19 though race is not explicit, we think it should, but we
20 are not here to argue that, for capacity reasons. We
21 think you need to bring race into this picture. And
22 you can't bring it in by trying by -- people of color,
23 do your definition of low income. That's through your
24 definition of low-income for families and individuals.
25 We also think there needs to be a definition of

1 low-income for communities. And, again, I think that
2 definition can capture communities of color as
3 possible. And the institutions that serve the public
4 in those communities that have been defined as
5 low-income should be eligible for a program.

6 So the institution we're talking about --
7 schools, public care centers, senior citizens, senior
8 citizens centers, day care centers, community centers,
9 not-for-profit organizations that are serving those
10 communities, and we would argue they should be eligible
11 also.

12 And your definition for the neighborhood, you
13 know, could be basically geographical definition and in
14 a certain percentage within that geographical
15 definition impact would be low-income folks. And
16 geographical definition you could go with that based on
17 probably historical recognized neighborhoods. It could
18 be based on the census tracts and multiple census
19 tracts that create or they're recognized or part of the
20 historically recognized neighborhood.

21 Our vision for urban areas is with respect to
22 renewable energy and energy efficiency, and the
23 gentleman from Green Faith, which is part of the NJ EJ
24 Alliance, by the way, talks about solar cities and I
25 liked that.

1 Our vision is that urban areas in New Jersey
2 will become centers for renewable energy, energy
3 efficiency, that for urban areas become known for
4 producing young people and old people like me that
5 are -- that, you know, converse in energy policy and
6 energy experts.

7 You know, our urban centers are now known for
8 producing good basketball players and sports players.
9 And that's good. I play sports. When I was young, I
10 was a baseball player so I appreciate that. I think I
11 should be playing for the Phillies, but the Phillies
12 didn't agree with me. So, you know, it's no pejorative
13 to produce good sports folks, but it would be nice if
14 our urban areas became known for producing energy --
15 energy experts.

16 The last thing I want to talk about is
17 that -- and we segway that into, you know, to make that
18 connection that you're going have to connect renewable
19 energy, energy efficiency projects to schools.

20 And so let's talk about the community aspect
21 of this. And you asked for this definition of
22 community solar.

23 First of all, let me just say -- and when you
24 say something negative, we say it with love. This
25 process is not a good one. It's definitely not a good

1 one for getting input from the environmental justice
2 communities, people that live in environmental justice
3 communities, and the people that work in those
4 communities. It's a rushed process. We know why it
5 is. Because this is -- the time limitation and place
6 for all you so you have time constraints. But this
7 process I doubt is going to yield too much input from
8 environmental justice community members.

9 What we would suggest at this point and know
10 it would be difficult -- and we have a lot of
11 suggestions -- but one that we have regional meetings.
12 We could have meetings in South Jersey, North Jersey,
13 Central Jersey Central, on the coast. And you could
14 have these meetings specifically for environmental
15 justice communities, communities of color, not only
16 advertised as a general public but reach out to groups,
17 maybe groups of justice groups, housing groups that are
18 working in those specific regions.

19 One thing you should also consider as a way
20 to kind of yield the process would be to form
21 stakeholder groups, so by rule you could form a
22 stakeholder group.

23 And someone else -- I think Jeanne Fox said
24 this.

25 Did you say this, Jeanne.

1 -- to have the rules defined as broadly as
2 possible.

3 MS. FOX: Yes.

4 MR. SHEATS: So you could define that a
5 stakeholder group can say by rule you can have a
6 stakeholder group to look into these issues that are
7 difficult, like the definition of low-income and other
8 issues that might take longer to address, longer to
9 define and that stakeholder group can get more input
10 for the issues.

11 When I think of a definition for community
12 color, the community -- whenever you say community to
13 us, that implies that community members are part of the
14 decisionmaking process. The community members are not
15 just consumers of the program.

16 So you don't just say, well, we have a
17 program and you can sign up here and you will benefit
18 from the program. And that's good. That's part of it.
19 But somehow you bring community in and have them be
20 part of the decisionmaking process about how the
21 project works. We're talking about siting. Should
22 there be siting in the community? If so, where? And
23 have a process that includes community.

24 So we want to bring new ideas to the table
25 called community energy planning. It's actually an

1 idea that comes out of an organization in Minneapolis,
2 Center for Urban EJ Environments. And they serve for
3 the -- for the National Environmental Justice
4 Community, they serve as an expert center in the area
5 of energy efficiency and renewable energy. And they
6 come up with a concept of a community energy plan where
7 you actually do involve the community in what needs to
8 be done to meet the energy needs of the communities
9 that you're talking about. When we say community,
10 we're usually in a smaller, a municipal level. But we
11 can talk about that.

12 The normal energy planning involves
13 utilities, it involves businesses that provide energy
14 services, city staff, and all that's appropriate and
15 necessary. What a lot of times is missing are
16 community members, community groups, environmental
17 justice groups. So we want to bring a lot of the
18 groups into that community energy planning process.

19 And then the other thing is at the center of
20 the process would be a focus on the environmental
21 justice inequity. So when we bring community members
22 in that you can let them decide what are equity metrics
23 that you want to reach with this particular community
24 connected to, for example, community solar. Is it that
25 you want job training? Is it that you want

1 entrepreneurship opportunities? Is that you want the
2 community solar project to be connected to the school
3 system so there's a part of the educational system in
4 that community?

5 And you can think of other ways that
6 community itself might decide what they want with
7 respect to equity.

8 You also talked about, well, there are
9 barriers to low-income folks and people of color
10 accessing community solar energy efficiency. You know,
11 a novel approach might be to say, well, ask those folks
12 who live in the community, what are the barriers? And
13 what do you think the barriers are to participation in
14 from your community and what mechanism should we
15 implement to overcome those barriers.

16 So that would be a good way to get -- I'm
17 impressed by the number of people in this room. I
18 didn't expect this many people to be here when I came
19 in.

20 Wouldn't it be nice to have a community solar
21 project in a community in Newark or Trenton that you
22 have a room full of people like this from the community
23 giving you input and having a stake in the
24 decisionmaking process and saying how the project
25 should look.

1 So thank you for the opportunity to comment.
2 And we hope -- we also hope that -- how do I say
3 this -- the environmental justice community's
4 relationship to BPU in the past, it has not been an
5 unfriendly one, it's been one kind of people passing in
6 the night. When we submit comments -- we submitted
7 comments on the Energy Master Plan. We've had friends
8 in the BPU, but we've never -- we haven't talked as we
9 have in the last week. So we hope this is the
10 beginning of a relationship for years to come. And we
11 really do think that partnering with community and a
12 process like community energy planning would put
13 New Jersey in the forefront of thinking about energy
14 policy and environmental justice and equity.

15 MR. WINKA: So you said put the community or
16 the low-income community solar stakeholder in the rules
17 that sort of locks things in.

18 So I just want to -- we run stakeholder
19 groups all the time and we keep -- we manage them on an
20 ongoing basis.

21 So we have an energy efficiency committee
22 meeting, a renewable energy committee meeting, they
23 meet all the time, once a month, an interconnection
24 work group. So within that concept, we may think about
25 how we -- and we do this to microgrid, CHP. We

1 build-out a stakeholder group for community energy and
2 that sort of community energy planning with low-income
3 community.

4 So we can do that, but we don't have to do
5 that within the rulemaking process. So that sort of
6 locks us up, to the point I made to Ms. Fox is that
7 building that flexibility.

8 So would that be within your concept or are
9 your comments that it should be built into those rules?

10 MR. SHEATS: So the reason I say to build it
11 into the rule because I'm just trying to give you --
12 how do I put this -- trying to give you broad
13 flexibility in defining hard topics that you're going
14 to have to define by designating a stakeholder group.
15 So if you're going to put in the rule, you're going to
16 create a stakeholder group that will come up with the
17 final definition of low-income within six months of
18 creating the stakeholder group, whatever, you
19 effectively can extend the time that you have to define
20 low-income. And with that when I say it, we don't
21 think this process is -- environmental justice
22 communities, you effectively spend your time and you go
23 out to environmental justice communities and other
24 communities to get more input and, you know, to get a
25 wider variety of people coming in, saying this should

1 be the definition. If you don't think you need that,
2 maybe not, but I guess from our point of view, we think
3 extra time is needed.

4 And one thing I didn't say is that -- so
5 we're dealing with a lot of rules. We deal with a lot
6 of rules. And I think this has become recognized that
7 the general rulemaking process, public participation
8 process, even at its best, and this is a hurry one, is
9 usually not a good one for environmental justice
10 communities because folks in environmental justice
11 communities are facing social probabilities that make
12 it difficult for them to find time to come to meetings
13 and give testimony to address these problems.

14 So in general we have to be more -- to
15 environmental justice communities. We are severely
16 underresourced. Of the money that goes to
17 environmental issues -- EJ organizations. So we're
18 dealing with a whole lot of different issues, and we
19 don't have one person just dedicated to energy
20 efficiency.

21 So the normal process is difficult for
22 environmental justice community members to keep up with
23 the EJ organizations, and one that's more rushed like
24 this is even more difficult. So that's why I'm trying
25 to find ways to extend the process a little bit so we

1 can get more input from these communities.

2 I wanted to make one more -- I always forget
3 something. Some of the folks mentioned cumulative
4 impact tool. And the folks that don't know, that's a
5 tool that identifies relative level of cumulative
6 impacts in basically every community in New Jersey.
7 And we think that tool needs to be revived and
8 substantive policy needs to be attached to that tool to
9 adjust cumulative impacts and it might be of use in
10 defining low-income and environmental justice
11 communities here. But we have to be careful about how
12 it's used.

13 And, again, you know, I talk about
14 stakeholder groups and we really talk to each other
15 about that because the environmental justice community
16 is usually defined EJ communities based on race and
17 income.

18 The cumulative impact tool tells you how much
19 a pollution burden there is. Would that be part of the
20 definition? That is something we have to talk about
21 and go back and forth on.

22 MR. SHEEHAN: Thank you very much.

23 MR. SHEATS: Thank you.

24 MR. SHEEHAN: Next up will be UU Faith
25 Action.

1 REVEREND TUFF: Good afternoon.

2 My name is Reverend Ronald Tuff. I'm with
3 the Unitarian Faith Action, but I'm also representing
4 Green Faith. I am the Director of Energy Services for
5 Green Faith.

6 But this afternoon I would like to address
7 the accessibility of the low-income environment.

8 I would like to start with Question No. 9 and
9 the question is: Provide recommendations on the
10 definition of low- and moderate-income community pilot
11 project.

12 In a low and moderate community solar pilot
13 project at least 20 percent of the subscribers must be
14 low and moderate households. A low- and
15 moderate-income household should be defined as eligible
16 for low- and moderate-income Home Energy Assistance
17 Program, which known as LIHEAP, as a household with
18 income below 200 percent of the federal poverty level.

19 Also, workers from the low- and
20 moderate-income household should be involved in the
21 construction and installation of the solar project.
22 There should be a trained and a certification program
23 available to the community, such as those provided by
24 Isles, which is located in Trenton. They are the
25 certification people for the Weatherization Program.

1 And trainees should be preferred -- or preferred for
2 working on a project in some capacity.

3 There should also be a requirement that
4 5 percent of the developers total subscribers be low-
5 to moderate-income households. And, basically, what
6 I'm saying is that those that develop the project, a
7 portion of those people should be from the community.

8 If many of those low- and moderate-income
9 workers are involved in construction and installation
10 of the project, say more than 20 percent, other
11 requirements on the developers could be relaxed or
12 incentives could be provided, such as allowing a
13 project to move ahead of projects with fewer workers in
14 the connection queue.

15 Before a community solar project qualifies
16 for any certification, it must be registered with the
17 BPU, including information about ownership, site, and
18 financial and technical ability to manage this project.

19 The justification for this is that a low- and
20 moderate-income project will receive special incentives
21 not available to other projects, such as moving ahead
22 in the interconnection queue. The 20 percent
23 subscriber criterion is the same as the criteria used
24 in New York for moving ahead of other projects in the
25 interconnection queue.

1 We propose in New Jersey, to encourage
2 projects to include more than 20 percent of low- and
3 moderate-income subscribers, a project that moves ahead
4 of all projects with a low -- was a lower percentage of
5 low- and moderate-income subscribers.

6 For low- and moderate-income communities,
7 jobs and job training will be even more important than
8 lowering energy bills. And so we include requirements
9 on providing jobs for low and income moderate
10 communities and to provide incentives for that as well.

11 And, basically, what I'm saying is that in
12 the Weatherization Program, once those people get
13 certified, they can take their jobs and work in
14 New Jersey and they can take their jobs and work
15 out-of-state or they can set up their own businesses.

16 And in many instances in our community, we
17 have projects that come in and say this is for you and
18 they make a profit. So we are saying that the
19 community should not only be in the construction part,
20 but the community should also be in the profit part.

21 Now, how do we achieve this, is there should
22 also be meetings within the community of various --
23 with various groups of those that live in the
24 community. And you can do that by going to community
25 action agencies, as well as other community groups that

1 meet or such as not-for-profits, such as the Urban
2 Leagues, such as mayoral groups, but all these groups
3 can be called together. And also there is fraternities
4 and as well science groups, but all these groups work
5 together within the low- and moderate-income
6 communities.

7 But, again, the bottom line is that our
8 community evolve, not only in the construction end, but
9 also in the profit end.

10 And I'd also like to address No. 10. And the
11 question: Provide recommendations on what low- and
12 moderate-income eligibility criteria should be accepted
13 to qualify a subscriber and/or a project as low- and
14 moderate-income.

15 Our answer is 200 percent of the federal
16 poverty level in 2016 was about two-thirds of 2016
17 New Jersey median income of roughly \$76,126, and
18 consistent with the level used in LIHEAP. The Woodrow
19 Wilson School study, Solar Gardens in the Garden State,
20 recommended a higher cutoff of 100 percent of the
21 New Jersey median income, roughly 300 percent of the
22 federal poverty level.

23 We rejected a strategy of combining a higher
24 percentage of the federal poverty level to define a
25 low- and moderate-income solar community pilot project,

1 say 300 percent, while limited access to the subsidies
2 to those below 200 percent of the federal poverty
3 level. Although this would include a number of
4 households that are more financially stable and,
5 therefore, potentially more attractive to developers.
6 It might result in what we call cream-skimming.

7 So in conclusion, I -- we're suggesting that
8 the low- and moderate-income community be involved, not
9 only in the construction, but also in the
10 decisionmaking, as well as the profit-making, and as
11 well as the job training, and as well as the
12 development process.

13 Thank you very much.

14 MR. SHEEHAN: Thank you very much.

15 CCSA.

16 MR. SMITHWOOD: My name is Brandon Smithwood.
17 I am the Policy Director for the Coalition for
18 Community Solar Access.

19 I'm going keep my comments brief because we
20 have a lot of stakeholders here who have really covered
21 a tremendous amount of ground on this issue.

22 We have support of the 15 percent program
23 level carveout. I think that needs to be apportioned
24 to the utilities.

25 Melissa Kemp from Cyprus Creek, who spoke on

1 our behalf this morning, referenced allocating the
2 program's overall capacity, proportionately the load
3 across the IOUs. The 15 percent of that program
4 capacity that should go to LMI projects should be
5 apportioned in the same manner across the service
6 territories.

7 And I think heard from the groups. There was
8 a lot of -- there's a lot of good ideas about how
9 communities can be involved in project development and,
10 you know, and community solar tariff can provide that
11 foundation that communities and developers can then
12 scaffold on to design projects that are needed for the
13 communities.

14 I think that the one, the second bullet here
15 that I'll just highlight is, you know, there should be
16 some flexibility to accommodate some of those housing
17 service entities. Their service organizations are --
18 to be creditworthy entities in anchor projects. In
19 addition to requiring that projects are also serving
20 low-income residents and not simply service
21 organizations.

22 So there are emerging examples from various
23 states around the country. And if 15 percent of a 450
24 megawatt pilot program was created, that would be the
25 largest dedicated low- and moderate-income program in

1 the country.

2 So I'm happy to answer questions. But I
3 figure there's a lot of people who are going to speak
4 to this issue.

5 MR. SHEEHAN: Thank you.

6 MR. SMITHWOOD: Thanks.

7 MR. SHEEHAN: Jonathan Ratner.

8 MR. RATNER: Jonathan Ratner, R-a-t-n-e-r.

9 In the past I have served as a pro bono
10 advisor to Grid Tri-state, but today I'm speaking on a
11 member capacity.

12 I think it's -- everyone in the room
13 understands that public policy argues for strong
14 resource deployment, strong government resource
15 deployment in support of an LMI program is the right
16 thing to do.

17 For the fundamental fairness perspective,
18 others far more knowledgeable than I have spoken about
19 the facts in terms of LMI and EJ community residents
20 have been finding themselves in living in areas that
21 have more than the typical exposure to carbon change,
22 weather events, find themselves living in areas that
23 find themselves exposed to health hazards of fossil
24 fuel plants. And, typically, in the meantime arguments
25 have not gotten communities very far.

1 And, of course, the SREC program being funded
2 by ratepayers has not benefitted to any significant
3 extent this community and that has been across the
4 bases.

5 It would be great if we could put in place a
6 very secure and ample long-term program of funding for
7 LMI participation, for instance, its RGGI funds, that
8 BPU will start to receive an allocation within the next
9 year or two.

10 But, you know, we live in the real world
11 where there's tremendous pressure on ratepayers as a
12 result of other ongoing matters, like nuclear plants,
13 the need to pay for upgrading of distribution --
14 distribution grid.

15 So in addition, in addition to trying to have
16 the best possible secure funding, secure funding for
17 LMI participation, there are a number of other
18 structural elements that should be given careful
19 consideration and also other potential sources of
20 funding that may not necessarily be new sources of
21 funding and potential sources of funding that can be
22 used with particular efficiency.

23 Everyone knows that if the program -- LMI
24 program doesn't have stable support, the damage to it
25 can be long-term. But the developers need to know that

1 there is going to be support in the program.

2 So very briefly, it's alluded to in the
3 legislation, particularly everyone understands, and
4 that needs to be expressed that the utility companies
5 will need to bill on behalf or as the people
6 engaging bo-bo for -- to subscribe to projects.

7 There is a need -- I believe the person from
8 Vote Solar spoke to it -- to take a much more expansive
9 view of the way credit is evaluated and the risk of LMI
10 subscribers needs to be evaluated. Because of the lack
11 of information, there's going to be a tendency for
12 project owners, particularly of profit-making type to
13 excessively judge the risk of these customers.

14 And we're not going to be talking about for
15 the most part folks that have a FICO score, it's not
16 the low FICO score. We're talking in many cases about
17 people who are just underbanked, not in the bank. So
18 they don't even show up at the credit reporting
19 agencies.

20 Now, I think most utilities around the
21 country do not engage in credit reporting, at least for
22 a variety of reasons, they don't want the liability and
23 compliance requirements of participating. I think
24 actually a solution is an exception to that. And they
25 do, across-the-board though, there should be steps

1 taken as part of the program to ensure that subscribers
2 have the ability to instruct, demand that utility
3 provide information to a project owner seeking
4 subscribers. There would be adverse inference drawn if
5 that information is not provided, but they should have
6 the ability to do it.

7 Because, obviously, very few things more
8 important than keeping the lights on, and many, many
9 LMI subscribers would come to a project with very, very
10 strong history on their utility bills.

11 I think what would also be important to
12 provide that LMI participants, subscribers have greater
13 flexibility to enter and exit the program for a
14 particular project, shorten the minimum subscription
15 period that might otherwise apply. Perhaps have a
16 shorter initial subscription period, than committing
17 them to the month-to-month.

18 Another way to really lessen the risk of LMI
19 participation in a profit-oriented project also is to
20 make sure that the pipeline of potential LMI
21 participants is very strong. So market average is
22 extremely important, but of course has to be coupled
23 with consumer education, and the market has to be
24 carefully, you know, monitored and regulated so that
25 people understand what they're signing up for.

1 And others have suggested that it can be more
2 helpful to have utilities and project sponsors jointly
3 maintain LMI customers so that the amount of time when
4 a subscription may not be taken up by somebody could be
5 minimized.

6 Finally, I think that it would be sort of a
7 structural area is possible to use -- and I think
8 somebody else alluded to this -- to effectively
9 underwrite risk and to step up to larger than the
10 otherwise highest level of participation in a project,
11 if it's necessary, to fill a gap caused by subscribers
12 leaving the market.

13 I think it's also important for the staff and
14 the commission to try to be as creative as possible
15 about use existing sources of funds.

16 For instance, people talk about the fact that
17 eligibility for LIHEAP and USF would be a good basis to
18 find somebody eligible to participate as an LMI
19 subscriber. Well, what about the possibility of seeing
20 if any of those funds can be repurposed. LIHEAP funds
21 are federal or not repurposed, actually multi-purposed,
22 so that, in effect, somebody would receive support in
23 the form of subsidized subscription to a project.

24 You could say that that is just smoke and
25 mirrors, but one would hope that the person ultimately

1 is no longer eligible for that assistance because they
2 have encountered more success financially but to have
3 somebody who's familiar with -- you have with a solar
4 program and hopefully continues to be a participant in.

5 One other area where it's possibly likely to
6 use government funds is trying to essentially smooth
7 the path towards educating project developers as to the
8 real, as opposed to imagined, risks of LMI
9 participation in a project by having the government
10 provide a reserve or, basically, a partial guarantee of
11 subscription payments by LMI customers.

12 The thing being that there will be a tendency
13 to assess and elevate the risks when there's a lack of
14 information that over time that kind of process will
15 get developers to come through with the participation
16 of LMI subscribers.

17 And, finally, I think a lot of the focus this
18 morning has not expressly, but implicitly talked about
19 projects that would have a strong element of support
20 from, say, a mush tenant or would be of housing or
21 social service organization. But the fact is I think
22 it's important for us to develop a program where LMI
23 participation is part of the strategy and requirements
24 potentially for a profit-making project or a project
25 that is sponsored by a profit-making enterprise.

1 So to that -- to that end, you know, other
2 states have per-project-basis, that every project must
3 have its set-aside, just like developers of real estate
4 sometimes would pass incentives, require that they have
5 a certain proportion of tenants be low- or
6 moderate-income.

7 I don't think that that's the sort of the
8 direction that it's going in here in New Jersey.

9 One last thing I just wanted to toss out is
10 something that could be considered for the longer term
11 is the idea of having what would effectively be a set
12 the floor in trading program where basically every
13 project will be required to essentially have a certain
14 level of LMI participation or otherwise purchase the
15 credits or accounting for that participation from other
16 projects that had more than the standard level of
17 requirement would be sort of like the cap-and-trade,
18 but just as a floor on the cap. And if nothing else,
19 that type of approach could actually lend itself as
20 sort of a broader economic efficiency the way the
21 market develops.

22 That's all I have.

23 MR. SHEEHAN: Thank you very much.

24 New Jersey Resources?

25 Okay. Thank you.

1 Have our friends from Pine Gate Renewables
2 arrived yet?

3 In that case, I will go ahead look and take a
4 look at the list of people that have signed up
5 afterwards.

6 Mr. Marrone from Solops.

7 MR. MARRONE: Good morning.

8 Just a couple comments on the LMI component
9 with respect to the financing world of things.

10 I would strongly encourage not having any
11 requirements associated with direct project LMI in
12 corporations.

13 Certainly, a carveout of 10, 15 percent of
14 the overall program could make sense.

15 Part of the problem is for those not familiar
16 with it, LMI residential right now in the overall RGGI
17 market seems to tend to fall around the 650 FICO score,
18 doesn't necessarily factor in the economic conditions.

19 So one of the considerations certainly that
20 we're proposing is beyond the FICO, the economics based
21 upon the breakdown utilized on for housing support in
22 the state would be something that's considered so that
23 there isn't an additional disenfranchisement of those
24 people that, perhaps, don't have any sort of credit
25 score and might otherwise qualify.

1 But with respect to putting a requirement on
2 individual projects, that they have an LMI component,
3 it becomes very complex. The LMI community is largely
4 served in the RGGI space through the Sierra and the
5 Community Reinvestment Act from 1977. It's an
6 additional obligation on lenders and banks to give back
7 to the communities and creates a different tax
8 incentive that they can utilize and it provides a solid
9 base for the tax equity participation in the RGGI
10 space, currently for the LMI community. That's
11 completely different than the tax equity markets that
12 we utilize in the C&I spaces and the utility spaces.
13 Bundling those together can be very difficult.

14 So to the extent we want to put more burden
15 on the private sector to figure out ways to fill these
16 projects, to provide these services to benefit the
17 community -- the underserved communities and the
18 public, creating further constraints on the financing
19 limitations, we just hamper that process.

20 So I think the carveout is important. I
21 support it. I agree with it. I think it makes a lot
22 of sense. But on per-project-basis, I think you can
23 find it to be too limiting to the abilities of the
24 private developers to be able to fund the projects and
25 be successful in doing so.

1 You may find circumstances where they can
2 create a blend, but let the private developer determine
3 that based upon who their financing partners are, what
4 the risk tolerances are in order to create that
5 financing structure and leave that to private lenders.

6 MR. SHEEHAN: Thank you.

7 MR. MARRONE: Thank you.

8 MR. SHEEHAN: Nataoa Castle (phonetic).

9 I did that so badly, they left.

10 I'm sorry. I apologize.

11 Ross Abbey, US Solar.

12 MR. ABBEY: Ross Abbey, US Solar.

13 I promise, I didn't sign up for all of the
14 sessions, but I want to say a few words about LMI
15 because I think, as you're very aware, a lot of states
16 -- every state up until now has kind of struggled, and
17 yet getting this right is also I think important to
18 filling the promise of community solar.

19 So I've got three thoughts. They all kind of
20 go to workability.

21 You know, community solar is already quite
22 complex. You work with a two-party transaction to a
23 three-party transaction with many, many subscribers and
24 you have a separate landowner, third-party finance, it
25 starts to become very complex.

1 So any time we have requirements or at US
2 Solar we want to be mindful about workability. So with
3 that in mind, I want point to three things.

4 The first is the product design.
5 Specifically, what is the product that the subscriber
6 is going to be receiving on their utility bill, the
7 bill credit. And the key thing is to have enough
8 certainty in that bill credit value that the
9 subscriber, specifically residential, specifically LMI
10 feels it's a good product and that's it's worth signing
11 that contract.

12 Ideally, they're going to see bill credit
13 savings. Ideally, they're going to have the confidence
14 to say, let me commit to making monthly payments, year
15 after year, knowing that there is that value there.

16 Another example is something like on-utility
17 bill repayment. Have that be an option for low-income
18 customers.

19 When we talk to low-income customers, a lot
20 of times they're not excited about getting another
21 monthly bill in the mail.

22 As a developer, we look to set up an
23 auto-payment scheme with them. So we're not seeing
24 them every month and they're not writing checks every
25 month. But low-income, not everybody has ACH, access

1 to those mechanisms.

2 Having an on-bill repayment option for those
3 LMI customers, specifically, I think would also
4 mitigate concerns around the terms of the agreement. I
5 mean, if you're an electricity customer, as long as you
6 have a meter, you're going to be buying electricity for
7 the next 10, 15, 30 years so it's not crazy to say
8 would you like to have bill credit savings for that
9 same long-term period. But combined with a utility
10 bill repayment, then that's more comfort in their links
11 together and that they're not going to be stuck holding
12 contracts beyond.

13 The second thing -- and other folks have
14 mentioned this -- is the ease of identifying and
15 pre-qualifying these customers. So, ideally, from a --
16 if we're going to do 15 percent across-the-market,
17 ideally from a developer perspective, it's a geographic
18 prequalification.

19 If you could point us to the census blocks
20 and zip codes where 80 percent or some threshold number
21 of low-income residents reside, that becomes very easy
22 for us to market to those zip codes and to those
23 geographical areas, without having to go through a
24 purpose or process of trying to learn the household's
25 income status.

1 I understand that folks that are already on
2 LIHEAP or Energy Assistance, it makes all the sense in
3 the world that they would be pre-qualified. But we'd
4 hate for someone that is not LIHEAP qualified to have
5 to go through process just to become eligible for
6 community solar LMI, at least in states where I've
7 worked with the documents, it seems like sometimes that
8 qualification for LIHEAP can be very burdensome. You
9 have to reveal a lot about your household income. And
10 maybe that's justified because they're getting sort of
11 subsidy or some sort of benefit. But here I don't
12 think we're talking about giving these folks any
13 special benefit. It's just saying, we got a goal to
14 service. We want to identify them as easily as
15 possible.

16 And then the third piece is financeability.
17 I hope I'm not giving away any secrets, but for a lot
18 of developers, especially small, medium developers,
19 when we go out to build a \$3 million or \$6 million
20 solar plant, it's not our own balance sheet. You know,
21 if not for ITC finance and third-party local finance,
22 you know, we couldn't bring in the capital that allows
23 us to build plants, allows us to serve customers.

24 So in order to have a financeable program,
25 what we need are a good utility contract, good utility

1 tariff, get governing rules, get subscription
2 agreements, get packaged together all that paper, and
3 then you bring it to a financier and say take a look at
4 this, we think you'll agree that these documents are
5 tight enough that you guys can put in \$3 million into a
6 project and you'll get a profit out of that. And
7 that's where subscriptions are challenging because, you
8 know, we can sign a 10-year or local subscription for
9 contract, but the financier is going to ask themselves
10 on their side, what's your default rates.

11 And, again, if we have a mechanism like
12 on-bill repayments on the utility bill, I think that
13 takes that issue of high-risk off the table for a lot
14 of third-party financiers.

15 It would be great to have a low loss reserve
16 fund, maybe pointed to RGGI or some other public money,
17 specifically to enable LMI participation. And then
18 over time, I think we are going to generate the data.
19 We'll learn more about attrition rates. We'll learn
20 about default rates. And the hope would be within the
21 next five years, we have the data about this LMI
22 demographic that the third-party financiers can be
23 comfortable with the risk levels and they quantify risk
24 levels. And once you can quantify it, maybe there's
25 2 percent default, maybe it's 5 percent default, once

1 you quantify that, then you can actually build into the
2 financial models and allocate that risk in the
3 financial contracts and then on a go-forward basis it's
4 pretty straightforward.

5 It's just this kind of
6 three-to-five-year kind of startup period where there
7 is not a lot of market experience serving LMI.

8 So I would say keep those three things in
9 mind.

10 Thank you.

11 MR. SHEEHAN: Thank you very much.

12 MS. BENREY: Sorry. Wait.

13 Specifically on the issue of the on-bill
14 finance and limiting for the fact that community solar
15 is two bills, as I understand currently, do you have an
16 example where this has been done successfully?

17 Because on-bill crediting, on-bill financing
18 is, at least as far as I know, would be ideal for
19 community solar, is very difficult to implement.

20 MR. ABBEY: Yes. I think we need the
21 utility's cooperation and I think that's appropriate if
22 we're going to serve this whole community. It's going
23 to take many folks working together to get there.

24 I can try to pull some examples from our
25 written comments. I believe there are at least a

1 couple utilities that are providing on-bill repayment
2 versus financing. Certainly, the utility wouldn't be
3 putting up their own capital. No risk to them.

4 But, yeah, I can get those examples.

5 MS. BENREY: Thank you.

6 And second question, with regards to the
7 contract, one thing that we note statistically is the
8 return rates tend to be higher for LMI population.

9 Do you have -- have you seen in the market
10 and the way subscriptions are being offered, just in
11 the market generally, tending towards shorter term
12 contracts? Are those sufficiently attractive to both
13 financiers and LMI communities who might not know if
14 they're going to be in the same place four, five, ten
15 years? Is the market following enough or is there
16 enough of a convergence happening in contract terms to
17 make these sustainable?

18 MR. ABBEY: Yeah. You know, the forms I'm
19 most familiar, the utility contract between the
20 operator and the utility might be 20 or 25 years. And
21 so initially these markets are starting off with that
22 same term length for subscribers.

23 For C&I or local government maybe that's not
24 too hard to swallow. For residential customers, that's
25 kind of a strange thing.

1 How we've been able to get over it with our
2 residential subscribers is by giving them easy outs.
3 So if you move out of the utility territory, the
4 contract self-terminates with no penalties. If you
5 move within the utility service territory and you
6 maintain and you have a meter at your new location,
7 then the subscription is portable.

8 So, usually, by doing education and outreach
9 to customers, we can help them get over that initial
10 shock of, you know, a long-term contract.

11 With that said, if we get our financiers to
12 commit to a five-year contract or an annual contract,
13 that is going to be part of a level sellable. And I
14 think that's what the market working toward, but I
15 wouldn't say we're there yet.

16 Thank you.

17 MR. SHEEHAN: Robert Wallace from Power52.

18 MR. WALLACE: So I made some brief notes,
19 real quick notes to kind of go over with regards to LMI
20 communities served.

21 One of the points I always make when we have
22 these kind of hearings, discussion is if you look
23 around the room, there's no LMI folks in here. Right?

24 So we're sitting here making policy and
25 assumptions on folks that have no voice potentially in

1 this room. And it amazes me because if you get down in
2 the weeds and you talk to the individuals and you hear
3 their concerns, a lot of the stuff that you look at and
4 credit risk stuff goes away.

5 So versus me attacking other perspectives in
6 the room, I'm going to say what we did in Maryland and
7 what's working thus far. We did 51 percent LMI.
8 Right? So 68 percent of all households in the country
9 are owned by households. So why there's only a
10 15 percent carveout in the program, I have no idea.
11 Maybe the numbers make sense to you guys, but for me it
12 doesn't make sense.

13 Number two, in terms of the benefit, the LMI
14 folks are going to receive most of the savings from
15 this program, more so than anyone else in this room.
16 So why would we cap it at such a small percentage
17 doesn't make sense.

18 Like I said, in Maryland our projects are
19 51 percent LMI, 49 percent other.

20 How do we get there?

21 Boom. You build cheap.

22 Right?

23 The days of getting like 30, 40, 50
24 percent fees, make a million dollars on 2 meg projects
25 are over. Right?

1 Key is how do you take that savings and make
2 sure it's passed on to individuals who need it.

3 You build cars. You get down to a 6, 7
4 percent per kilowatt BPA where you can baseline or
5 hedge it in against the community cost of electricity
6 and that's your base. So if a customer defaults, you
7 roll it to the next one. If that customer defaults,
8 you roll it to the next one. Worse case scenario, you
9 get SOS. You cover your debt. So that's one thing we
10 did in Maryland.

11 Number two, requiring job training. So many
12 cases you have developers -- I've done this for years,
13 I'm guilty of it also -- where you bring outside
14 resources from the communities you serve to come in and
15 build. There's no economic stimulus for the community.
16 There's no job creation. And then all the resources
17 leave the community when they go, when the project
18 goes.

19 So writing into the program where there's a
20 job creation or training component that gives that
21 developer a bonus, you're going to give incentives if
22 they use blah, blah, percent local resource training,
23 we will give you this SREC, we'll give you this
24 whatever. So that incentivizes them to pour into the
25 communities they're coming to build in. So that's

1 number two.

2 Number three, the last gentleman who was here
3 was saying, well, let's wait three to five years to see
4 what the fall-out rate is going to be for LMI. What
5 happens in three to five years? The ICC goes to what,
6 15 percent, 10 percent, whatever it is. So the value
7 proposition at that point in time is gone. You can't
8 offer someone 10, 11 percent power at 25 percent
9 savings three years from now. I can guarantee it.

10 So if we don't move now and at least be
11 progressive in how we structure these programs, they're
12 going to miss the boat, just like they missed the boat
13 with the internet revolution, just like they missed the
14 boat with the coal revolution, and industrial
15 revolution. And so that is the motive of power.

16 Look, I'll be honest with you guys, I've done
17 it for 12 years. I know everybody in this room. How
18 it works so on and so forth. I was on the other side;
19 made a lot of money. I understand that. But when I
20 saw the impact they were missing and the generation
21 impact that I've seen because of results like the riots
22 in Baltimore, right, because of all these guys and
23 girls who don't have a vote. It's crazy.

24 Even down to our vets. A third of the
25 graduates in our program are veterans. They just want

1 another shot. So you've got to carveout these type of
2 programs where they get a shot. Otherwise, it's the
3 same guys and you're building for the same 20 or the
4 last 15 years, getting the benefits. The vets don't
5 get served. The returning citizens don't get served.
6 The people who've been in prison for 10, 15 years, they
7 can't benefit from this. High school guys and girls
8 who may not want go in engineering. If you notice that
9 all the vo-tech programs, you can't be a mechanic
10 anymore, you can't be a carpenter anymore. You're now
11 an engineer, software designer, or write an app. What
12 do you do? Right?

13 And so that's why it's so important that we
14 expose the communities that we're talking about to the
15 opportunity. And I think if we do a good job as a
16 country now to do that and it will propagate itself
17 over the years. And now those individuals have an
18 opportunity to build themselves out of their current
19 situation.

20 Thank you. Appreciate it.

21 MR. SHEEHAN: Thank you.

22 Is the other completely unrestricted?

23 MR. WALLACE: So we're doing residential, in
24 one scenario Under Armour is taking 49 percent.

25 They're paying a little bit of a higher rate just to

1 guarantee the low-income side. But honestly their
2 risk, I mean, the LMI folks who came, so they give them
3 a 25 percent savings, there's an incentive there.
4 We're also talking about 6 point contracts. So it's a
5 lot different than signing for 20 years. No one has
6 credit. No education to say, hey, this makes sense.

7 And they've been -- excuse my language --
8 bastardized so long that there's this huge degree of
9 distrust when it comes to any type of energy measures.
10 So giving them three- to six-month contracts and say,
11 hey, look, you pay for a year straight, we'll walk you
12 down every year 5 percent, 10 percent. And that
13 would -- not only see the benefits of it, but they also
14 see the impact that it has on their family and many
15 families so on and so forth.

16 MR. WINKA: So the contacts, we do a lot of
17 work with Maryland. We're in the Mid-Atlantic --
18 MACRUC, State Energy Offices. For contact folks that
19 are running the program for the Maryland would be
20 helpful, if you could do that.

21 MR. WALLACE: I will send his information
22 to --

23 MR. WINKA: Yes. Thank you.

24 MR. WALLACE: -- Mary Beth.

25 MR. WINKA: Yeah, Mary Beth in the State

1 Energy Office.

2 MR. WALLACE: Cool. Thanks.

3 MR. SHEEHAN: Lena Smith from Food and Water
4 Watch.

5 MS. SMITH: And again from Food and Water
6 Watch and also the Off Fossil Fuels Coalition, which
7 coalition I didn't mention before.

8 And also would like to say that we are in
9 agreement with those comments, particularly around LMI
10 Access and UU Faith Action and New Jersey Environmental
11 Justice Alliance testified so some of this may be
12 repetitive, but wanted to make sure it was on record.

13 So we -- as far as the definition of LMI, we
14 believe it must serve a majority of low- and
15 moderate-income individuals to ensure the benefits are
16 realized in low- and moderate-income communities at a
17 rate that is at least equivalent to the development in
18 non-LMI communities.

19 Part of this is we recognize that the low-
20 and moderate-income communities have significant
21 barriers to obtaining solar electricity through
22 distributed generation. These include lack of access
23 to capital and technical issues, such as having
24 properties that are not well-suited for solar panels.
25 So due to these barriers, LMI individuals are unable to

1 access credit, incentives for production, benefits that
2 are available for those with access to capital, and
3 installation of solar panels. Therefore, we should
4 allow access -- the majority of the access to be to
5 low- and moderate-income individuals.

6 So low- and moderate-income community solar
7 pilot projects should have at least 20 percent of the
8 subscribers be LMI households. There should be also a
9 requirement at 5 percent of a developer's total
10 subscribers be LMI households. And LMI projects should
11 be encouraged to provide jobs with instruction and
12 installation to LMI workers. This training should be
13 available leading to certifications of organizations
14 with experience in job training programs and trainees
15 would also work in the project in some capacity as part
16 of 20 percent of the workers.

17 In addition, preference should be given to
18 minority-owned community solar projects.

19 Regarding eligibility, proof of eligibility
20 in other low-income programs should be enough to
21 qualify someone as a low-income subscriber. And the
22 BPU should facilitate an automatic enrollment from
23 these programs into any benefits that are provided to
24 support enrollment of the LMI individuals into a
25 community solar program.

1 Once enrolled, the individual should be
2 allowed to remain in the program until they move or
3 voluntarily leave the program.

4 Regarding the definition, at a minimum, low-
5 and moderate-income should be based on area median
6 income, using the HUD definition of 80 percent of area
7 median in terms to be considered low-income and using
8 120 percent of area median income to be considered
9 moderate-income. But we also agree that the definition
10 should be broad enough to pasture as many communities
11 of color as possible and environmental justice
12 communities.

13 The percentage of low- and moderate-income
14 people served by a solar community project should be at
15 a minimum proportionate to the number of low-to
16 moderate-income people in a given service area. And
17 the service area for purposes of the project should be
18 given to an area served by a utility.

19 The project should be initially developed in
20 municipalities that have a higher percentage of
21 low-income people relative to other communities in that
22 county.

23 And then the final part about eligibility is
24 the targeting outreach to multi-unit apartment
25 buildings can quickly and easily result in community

1 solar programs serving low-income residents. However,
2 the benefits of the community solar program should be
3 passed on to residents and landlords should be required
4 to document how these benefits are passed on to
5 residents.

6 To the questions of dedicated capacity, we
7 agree that there should be a dedication of at least
8 15 percent of the program capacity to low- and
9 moderate-income customers for the development of low-
10 and moderate-income projects as defined above, but that
11 the program minimum target should not preclude
12 incentive of their mechanism to encourage robust low-
13 and moderate-income participation outside of the
14 low-income program.

15 There should be no limits on the percent of
16 overall capacity that can be devoted to LMI community
17 solar projects.

18 We agree regarding the procedural, the
19 recommendation or the example given that LMI projects
20 would receive preference in the solar interconnection
21 queue. This is good policy and should be implemented.

22 And there should be -- set the minimum
23 percentage to -- queue at least to 20 percent of LMI
24 subscribers and jobs with LMI workers who have the
25 highest priority in the queue.

1 Regarding financial incentives, it is
2 essential that low-income programs have dedicated
3 long-term sources of funding to ensure program goals
4 are achieved and benefits for low-income customers and
5 environmental justice communities are maximized.

6 Low-income customers pay into solar incentive
7 pools as ratepayers and taxpayers but are typically
8 barred from accessing these funds due to additional
9 financial barriers.

10 We're recommending the financial incentives
11 are important to ensure the community solar project.
12 Utilizing a bill credit is a good use of incentive, as
13 would be a reduction or elimination of the subscription
14 costs to LMI subscribers.

15 Resources should also go to offset capital
16 costs for projects supporting LMI communities, as well
17 as technical assistance and training for community
18 organizations that are developing LMI community solar
19 projects.

20 That's all.

21 MR. SHEEHAN: Thank you.

22 That concludes the number of speakers who
23 have previously indicated a desire to speak.

24 Is there anyone else who would like to step
25 up?

1 MR. MCAULIFFE: I was up for the last one.

2 So it's very great that New Jersey is doing a
3 new solar program and they're trying to expand solar.

4 No matter how we implement this, we're going
5 to have renewable energy that reduces our CO². But the
6 way we implement this one particular element in the
7 program has the most potential to improve the quality
8 of life for people in New Jersey. So this is very,
9 very important to get this part right here.

10 I think what everyone is saying here, the
11 points I more or less agree with, there's nothing I
12 openly disagree with.

13 The subscriber -- getting the subscribers for
14 a length of time that investors can feel comfortable
15 with and also enabling flexible for them is important.

16 I like the idea -- again, a few speakers ago
17 mentioned about moving out of your subscriber area,
18 certain established criteria, you know, that's
19 verifiable, that can get a person out of the
20 commitment, but enables them -- the subscriber, the
21 customer, acquisition people sort of have a stable
22 source of revenue they can rely upon. So having that
23 clear-cut criteria is very important.

24 The Reverend mentioned having sort of a
25 database of certified people and their work experience.

1 As installers, our company had, even though
2 we're pretty stable with the work we do, there are gaps
3 between projects which is the nature of the contracting
4 business and large projects like this. So worker
5 flexibility, being able to take people on short notice
6 having that resource to pick up workers and sort of
7 verifies them and is useful for the worker, the
8 employee, the installer, and the contractor.

9 But -- and also for this rate structure, I'm
10 not sure how you can do it, but I guess consumer
11 protections, I think Illinois has a certain percentage
12 that the value has to reflect based on what it's going
13 to cost the subscriber and what kind of credit they're
14 going to get on the bill is maybe a specific
15 percentage, it's a minimum amount, that you might be
16 flexible with that because some projects can give
17 deeper discounts and other ones might have to get
18 higher for that amount in order to fund them.

19 So even different customers could get a
20 bigger discount if they happen to be in the right area.
21 I mean, that's just the nature of being near a good
22 energy location and things like that.

23 But I think that the single biggest thing
24 that maybe we haven't really talked about too much is
25 in the customer acquisition side because this has a

1 double set of both bringing in these customers. And if
2 we can include LMI people in the job training for
3 customer outreach, this is a way to not only -- we
4 wanted to train installers to become good construction
5 workers, good electricians, all the skills you can get
6 with these vocational skills. But we can train a very,
7 very large amount of, you know, future business people
8 by helping them reach out to people in their community
9 again working with someone they trust, the salesperson
10 is getting them subscribed, but they're also from that
11 community, having an incentive that if you have sales
12 force from the low- and moderate-income community, as
13 well, your project gets better consideration or
14 potentially better, you know, value, something like
15 that. I think that can be an element that has a double
16 sort of effect.

17 And that's all I really wanted to add.

18 MR. SHEEHAN: Thank you.

19 MR. WINKA: Nonspecific question, but it's a
20 general question to the folks who commented on the LMI.

21 So, as I said in the beginning, we spend
22 probability about \$400 million annually on USF,
23 Lifeline, Weatherization, Comfort Partners, LIHEAP.
24 And there's got to be creative folks that are out there
25 that can figure out ways that we can use those funds,

1 matched up with community solar.

2 The New York State Department of Public
3 Service just came out with an order on looking at how
4 to link up energy assistance. There seems to be a lot
5 of back and forth. So folks can comment on the benefit
6 of what New York State is doing. That will be helpful
7 to us. And if you've been playing in New York, we
8 would like to hear those comments on that specific
9 order that just came out.

10 And then there's the California Multi-Family
11 Affordable Housing Guidance Document.

12 So if you can link those two things together
13 and see how we can move in this sort of area.

14 What are the good things in that California
15 Affordable Housing Multi-Family Program that we bring
16 into New Jersey will be helpful?

17 So thank you very much.

18 MR. SHEEHAN: Okay. Ladies and gentlemen,
19 that concludes our Session II.

20 We have some quick reminders before we send
21 you off to lunch.

22 Those individuals who wish to submit written
23 comments may do so by sending them to Aida Camacho,
24 Secretary of the New Jersey Board of Public Utilities,
25 44 South Clinton Avenue, Third Floor, Trenton,

1 New Jersey 08625. They can also be e-mailed at
2 rule.comments@bpu.nj.gov.

3 That information is available on the
4 stakeholder community agenda that hopefully you picked
5 up on the way in.

6 We will reconvene at 2:00 p.m. to work on
7 Session III which is Value of the Credit.

8 There is a food court on the first floor of
9 this building. As you head out the front doors, I'm
10 sure you'll find something to eat.

11 We look forward to seeing you in a half hour.

12 (Session I and Session II concluded at 1:30 p.m.)
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CERTIFICATE

I, Lorin Thompson, a Notary Public and Shorthand Reporter of the State of New Jersey, do hereby certify as follows:

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Lorin Thompson

Notary Public of the State of New Jersey
My commission expires July 26, 2021

Dated: July 24, 2018

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