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(Via email only: communitysolar@nicleanenergy.com)

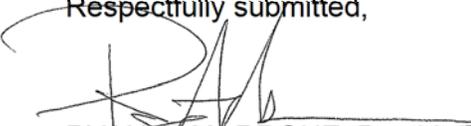
NJ Board of Public Utilities
Attn: Aida Camacho, Secretary
44 South Clinton Avenue
3rd Floor
Suite 312
CN 350
Trenton, NJ 08625

RE: Comments to BPU Community Solar Stakeholder Questions

Dear Ms. Camacho,

In connection with Notice for Docket No. QO18060646, please accept the following comments from our organization to further inform the BPU in drafting the rules for this program. We are available to answer any questions or provide clarification if required.

Respectfully submitted,



RYAN A. MARRONE, President
Solops, LLC

NOTE: Notice questions were omitted from the response, however, numerical sequencing matches that in the solicitation.

1. We defer to the BPU in determining the appropriate size once the BPU addresses the imbalance of the current SREC availability and the 5.1% RPS limit.
2. Pro rata by percentage of Statewide generation. Excess should carryover EY after EY.
3. The siting limitations should govern all projects and not provide for a limit or allocation. The key with this program is allocation of credits to off-takers. However, to ensure the Program starts to serve the LMI market 10% of the Program capacity should be carved out for use to serve the LMI community.
4. The limitations concerning the projects should not impact co-location. The idea is to increase the utilization of preferred siting for solar, enable construction of larger projects which reduces costs. So beyond siting and sizing limitations there should not be other restrictions. A 5Mw system size should be applied on a per site basis and we advocate for systems to be sized to 100% of annualized load of offtakers to avoid excess credits, during pilots. Market

equality is important and having projects developed in all utility territories should be objective of BPU.

5. For the private Pilot Program the solar array should merely be required to be located within the same utility service territory as the physical address where the metered account is located that is receiving the net-metering credit. This is critical to prevent disenfranchisement. When crafting the straw proposal for the Governor and working on the legislation, the intent was to reduce the cost to the ratepayer by enabling the construction of larger projects which are cheaper to build, placing those projects on landfills, brownfields, areas in need of redevelopment, or commercial rooftops to preserve greenspace and improve otherwise dilapidated or underutilized properties, and to enable the ability to serve the currently disenfranchised urban and LMI communities. While there was a lot of push for a 5 mile limitation for the program during the legislative process, such a restriction does not serve to counteract the current disenfranchisement of urban areas where five miles may not provide access to sufficient space to build large enough arrays to service those densely populated areas. In the broadest and best of concepts, you can build 5MW facilities on multiple landfills, brownfields redevelopment areas or rooftops outside of the City center but then sell the power to the city residents and business.
6. The projects should be limited to landfills, brownfields, areas in need of redevelopment, and commercial rooftops. The concept behind this limitation is to preserve Greenfields in the State but also to benefit the public further by putting the aforementioned areas back on the productive tax rolls and cleaning same up for those communities. All of this being done with private dollars rather than the utilization of public funds. The core concept being a public private partnership to have private investment dollars benefit the broader public interest.
7. While utilization of schools, parking lots or other locations work, it is counterintuitive to the objective of the concept to reduce the cost of solar and to deploy solar projects in a manner which creates the most benefit for all stakeholders. Building carports on parking lots costs significantly more than a ballasted system on a landfill and does nothing to put the landfill back to work on the tax rolls or to facilitate the clean-up. Right of way easements are typically for use by utilities and in the instance of a CS project most likely not a good candidate to host a project. School districts or public entities because of public procurement laws would not host a private sector project due to space limitations. The intent is to build the largest CS project possible to reduce the construction cost. For the pilot program, the BPPU may want to offer broader opportunities in order to gain more information from wider experiences to make informed changes for the full program launch.
8. Efforts to streamline the DEP regulatory process would be very helpful to reduce the legal and engineering costs as well as the lost time in development. Additionally, to the extent possible, to provide innocent purchaser protections or those protections otherwise garnered through a friendly condemnation proceeding and the Tort Claims Act as it applies to

governmental authorities. Governing bodies which benefit from the repurposing and/or clean up of environmental lands could provide indemnifications against pre0existing conditions to

9. LMI for residential solar are typically those customers with a FICO score of less than 650. There is a completely separate tax equity market that serves the LMI community based heavily on the obligations they maintain pursuant to the Community Reinvestment Act (CRA), enacted by Congress in 1977. Conventional tax equity funds do not touch the LMI credit risk. As such, there should not be a requirement that each project contain an LMI component, rather, that the overall program require the 10% of LMI subscription. Additionally, there should be a provision for the utility to underwrite the LMI risk.
10. This should be governed entirely by the private sector developing the solar projects based in their investment criteria and risk tolerance.
11. The only required incentive is specific allocation of capacity. Interconnect should be processed the same across the board and financial incentives burden the cost to the rate payer.
12. No response provided.
13. No response provided.
14. No response provided.
15. No response provided.
16. They simply carryover on a month to month basis. The onus should be on the solar developer and off-taker to build a system that does not exceed 100% of prior year usage. After the first full year of a subscriber's participation in a CS project a review of the excess capacity will be conducted by the subscriber and utility. If excess capacity is determined to be seasonal and zeroes out during the calendar year. Then the subscriber will be permitted to change their annual True-up date once per EY to levelized out the excess capacity.
17. Yes. The subscriber should still pay at least 50% of the societal benefits charge. Additionally, the utility should still be able to collect the transmission tariff rate that is in effect.
18. The community solar project developer should bear ALL risk associated with unsubscribed power. It should be part of their power marketing strategy. Yes, if in a given Energy year there is unsubscribed usage then the developer will be paid by the utility at the avoided cost or area locational marginal pricing (LMP) for that energy year or until the developer is able to achieve full subscription of their system.

19. Yes. The SRECs need to go to the solar project owner to support the development of the project so that it cleans up landfills and brownfields and pays rent and taxes.
20. All variable rate components except the transmission rate and 50% of the SBC.
21. A fully executed Site lease should be provided by the developer with the initial application submitted to BPU. A list of subscribers supported by fully executed Subscription agreements should be submitted with the initial application. At least a 50% subscription should be required before a developer can submit a CS application. No placeholders will be allowed by BPU. Fully approved Interconnection application should be included in the initial application. If the CS project will be sited on a landfill or brownfield a fully approved Site plan will be required to be submitted with initial application.
22. Same as presently exists. Let's not overregulate the program.
23. Already have safeguards in place.
24. No. We want to focus development on underutilized and dilapidated properties not create a windfall or economic benefit to developers who already built projects based on an existing pro forma. The only caveat to this would be if we created a secondary RPS with a lower SACP and not allow SRECs from non-community solar projects to meet the new RPS criteria (thus creating a second SREC market at a much lower cost to rate payers), then in the event there was not enough community solar built, rather than burden the EDC's you could allow existing projects to apply to qualify to ensure sufficient capacity in the marketplace.
25. You should not allow for community solar subscription organizations, the BPU or the EDCs to be involved with the configuration of off-takers for each project. That should be done by the developer based on their financing structure, market risk, and industry capabilities. Some may go heavy on residential, others on C&I. The blend will also vary depending on the tax equity partners. Let the private market work it out. This reduces the administrative burden on the BPU and EDC's.
26. A quarterly market report should be required from EDC
27. No response provided.
28. No response provided.
29. No response provided.
30. No response provided.

31. Only that it be more than one. The number of subscribers should be done by the developer based on their financing structure, market risk, and industry capabilities. Some may go heavy on residential, others on C&I. The blend will also vary depending on the tax equity partners. Let the private market work it out.
32. 100% of prior 12 months of usage.
33. No response provided.
34. Yes, as long as the subscriber is relocating the same utility territory. A subscriber should be allowed to change their subscription address one time per year.
35. No response provided.
36. No response provided.
37. No response provided.
38. No response provided.