

First, CCSA appreciates that members of the EUT Committee have expressed that they place a high importance on protecting significant investments that have been made by solar developers. However, as a matter of policy, CCSA does not support retroactive policy changes that overturn contracts that have been fully executed pursuant to existing laws.

That said, CCSA understands the desire by the Legislature to control the cost of the Net Energy Billing program, and puts forward the following for consideration:

CCSA proposes to safe harbor approximately 1500MW of solar. This number is a target, not a cap, and results in protecting many projects that are significantly advanced while still ensuring attrition through future milestones. Specifically, CCSA proposes the following safe harbor criteria:

1. All projects with signed NEB Agreements or complete submitted applications as of 4/30/21 are safe harbored.
2. Projects that have applied or qualified for NEB with 90% offtake must obtain a signed ISA by 12/31/21.
3. All projects must obtain municipal permits by 12/31/21.

In addition, CCSA recommends a battery storage adder is developed and made available to existing and to new projects.

A Good Cause Exception is developed to allow projects that are not automatically safe harbored into the Net Energy Billing program under current program rules. This provision is intended for projects that have been particularly impacted by utility delays, such as the ground fault over voltage (GFOV) issue in CMP service territory. In CMP, there are at least 80MW of projects without NEB Agreements that would likely have received their Interconnection Agreement by this point, were it not for the GFOV issues. In addition to determining whether a project has suffered external delays, the PUC can also use project maturity as a factor in good cause determinations by considering other maturity milestones, such as state and local permits, to determine whether a project has reached a significant stage of advancement and that it would have been safe harbored if not for the sources of delay beyond the developer's control.

Finally, a stakeholder process should be convened to develop a successor program that allows for projects up to 5MW. This stakeholder process should produce recommendations before the start of the next legislative session, including annual MW targets and a queueing system based on interconnection-based project maturity milestones. Projects should be ranked according to the following:

1. Signed ISA
2. DEP Permits
3. Municipal Permits
3. Municipal Planning Board Approval