RESPONSE TO ILLINOIS POWER AGENCY REQUEST FOR COMMENTS ON BEHALF OF THE SOLAR ENERGY INDUSTRIES ASSOCIATION, THE COALITION FOR COMMUNITY SOLAR ACCESS, AND THE ILLINOIS SOLAR ENERGY ASSOCIATION

September 16, 2022

The Solar Energy Industries Association, the Coalition for Community Solar Access, and the Illinois Solar Energy Association (collectively the Joint Solar Parties) appreciate the opportunity to respond to the Illinois Power Agency's most recent solicitation for comments on September 1, 2022 with regard to scoring and waitlist management for the Traditional Community Solar block within the Adjustable Block Program. The solicitation for comments included a strawman proposal from the IPA for scoring and waitlist management (the "Strawman").

While the Joint Solar Parties have comments on many issues related to Traditional Community Solar scoring and waitlist management, not all comments are of the same priority. In the interests of clarity, the Joint Solar Parties have organized their comments by priority level. The most critical feedback is presented first, followed by recommendations, questions and concerns that the Joint Solar Parties believe would be beneficial for the IPA to make to the scoring Strawman to enhance clarity and improve the effectiveness of the scoring criteria.

I. Highest Priority Recommendations

The following three sections (Minimum Score, Interconnection, and Scoring Timeline) represent the most critical needs in the Strawman proposal.

A. Waitlist Minimum Score Threshold and Ordering of Applications (Highest Priority)

The Joint Solar Parties recognize and respect the Commission's order regarding the minimum threshold as it relates to a requirement for at least one other Approved Vendor (AV) commitment beyond interconnection. The Joint Solar Parties supported this approach in the LTRRPP litigation. However, the Joint Solar Parties believe that the Strawman sets too high of a barrier to entry at five points. The Commission's Order requires the IPA to set a minimum that is "above the number of points assigned to having a currently valid, executed ICA [interconnection agreement], such that a project would have to meet at least one other scoring criterion (if not multiple other criteria) in order to enter the program queue." (ICC Docket No. 22-0231, Final Order dated August 14, 2022 at 59.) The Strawman proposes a minimum that is four points above the value awarded to the interconnection agreement alone. The Joint Solar Parties believe the threshold of four points above the score for interconnection agreement alone—or one point above the maximum possible interconnection category score—is inconsistent with the approach of the Final Order and departs too far from the first come/first served approach required by statute. (*See* 20 ILCS 3855/1-75(c)(1)(K)(iii)(1) (implementing first come/first served but authorizing IPA discretion to "suggest additional methods to prioritize projects that are submitted at the same time").)

As written, the IPA interpretation of the Commission's Order sets the minimum threshold points above the maximum interconnection points available plus an additional commitment such as agrivoltaics, pollinator friendly, involvement of EECs as EPCs, or other commitments. The Joint

Solar Parties strongly oppose this interpretation and recommend the IPA set the waitlist minimum threshold at four points, while decreasing the maximum available points for interconnection to 3.99 points for the reasons set forth below.

Under the Strawman, projects that may meet many of the IPA's objectives will still not have sufficient points to meet the minimum threshold. Given an fraction of available land in the State constitutes disturbed or contaminated land, brownfields, or located in an environmental justice community, and given increasingly few viable counties (or townships in the case of counties surrounding Chicago) remain that do not currently have an ICC-approved community solar REC contract, the Joint Solar Parties anticipate that most projects are likely to receive zero points for Siting, and zero points for the first two categories under Built Environment.[1] Further, under the proposed standard for the "top-two queue position" points, based on limited analysis of information available from ComEd the Joint Solar Parties expect that approximately 21% of community solar projects in the ComEd queue currently have a first or second position on the substation queue. For the bulk of projects which have no location-based points that are neither first nor second in queue on the substation, the path to enter the waitlist requires too many additional non-site specific commitments (as opposed to points that are earned based solely on the location of the system). Applicants could have a signed, valid interconnection agreement (+1) with no contingencies and manageable upgrade costs (though no top 2 queue position), commit to use agrivoltaics (+1), commit to use pollinator friendly plantings (+1), and they could sign contracts with an EEC certified Designee for work representing more than 50% of the contract value (+1), but still not achieve the minimum points required to enter the waitlist.

Conversely, only one project (or a small number of projects) with the oldest valid interconnection agreement as well as a high queue position could possibly reach 4 points for interconnection alone, and only if applying on November 1, 2022. The Strawman further limited interconnection scoring to 3.25 points for any application occurring after the initial day the block opens. In order to comply with both the letter and spirit of the Commission's Final Order in the LTRRPP approval docket, the Joint Solar Parties thus recommend a minimum score of 4 points so a project could hold an interconnection agreement, have a high queue position, and make one other commitment and still meet the threshold. The Joint Solar Parties emphasize that four points will only be a floor, not a ceiling—this approach is unlikely to deter many developers from submitting projects that score above the waitlist minimum threshold to maximize chances of selection in a competitive program.[2]

Additionally, to move interconnection agreement effective date to a tiebreaker rather than an advantage for the oldest interconnection on the first day (and a tiebreaker for the rest), the Joint Solar Parties recommend reducing the maximum points for earliest interconnection agreement date from 1 point to 0.99 points. Lowering the waitlist threshold to four and removing .01 points from the interconnection agreement date preserves the role of interconnection date as an important tiebreaker (and queue sorter) but will prevent one or a small number of projects from skipping the obligation to make one additional commitment in addition to interconnection.

[1] The trade associations that comprise the Joint Solar Parties are limited by Antitrust law regarding collection of information about development plans and other competitively sensitive information. However, based on informal and anecdotal data collected by the trade associations that comprise the Joint Solar Parties, the Joint Solar Parties generally expect that many if not most projects will not score in the Siting or first two Built Environment categories.

[2] The Joint Solar Parties express concern *infra* that some of the commitments may end up being prohibitively expensive and thus unlikely to have many takers.

The Joint Solar Parties also recommend that the IPA further confirm the role and functionality of the waitlist minimum score. As the Joint Solar Parties understand it, the IPA will select Group A and Group B projects in rank order from the highest score down until the block for a Group fills and that Group starts a waitlist—even if some of those projects selected are below the threshold.[3] Next, a waitlist will form but only take projects at or above the threshold (which the Joint Solar Parties propose as 4 points), including any projects that apply on subsequent days. All projects that do not qualify for the waitlist will either automatically or manually apply at the next block opening and, if not selected, will be subject to the then-current waitlist minimum threshold. The Joint Solar Parties note that some of this detail is inferred and recommend that the IPA either make it explicit or provide the correct interpretation in more detail.

Finally, the Joint Solar Parties recommend the IPA clarify that any waitlisted project may withdraw from the traditional community solar block and submit to another block for which the project may qualify. This will allow applicants to pursue viable projects that may also meet the requirements of other blocks.

B. Interconnection and Project Maturity (Highest Priority)

The Joint Solar Parties continue to recommend the points breakdown as explained in its Briefs on Exception in ICC Docket 22-0231. This includes the recommendation that two points be awarded for a valid interconnection agreement, with one additional point possible for a high queue position (or additional measure of project maturity). This recommendation was inverted in the Strawman. The signed interconnection agreement itself remains the single most important measure of project maturity because it is the best demonstration of a defined pathway to connecting to the utility grid and should therefore be worth greater points. A Vendor with a signed ICA has a firm understanding of the project's interconnection costs and has already made an affirmative decision that those costs are acceptable for the project's economics, if not already paid that cost to the utility. This makes a signed ICA the most important measure of the project's demonstrable path to completion. However, if the Agency is not amenable to this change, the Joint Solar Parties continue to believe that a total of 3 points is correct for a signed ICA and a high queue position, leaving the date of the interconnection agreement as a fractional point.

The Joint Solar Parties additionally recommend expanding the definition of "high queue position" to better capture those projects with no contingent upgrades, which have a higher chance of success because the risks to a completed interconnection are lower. The Joint Solar Parties have previously acknowledged that queue position is an imperfect proxy for maturity but can be one of several helpful indicators of project readiness. Awarding one point for high queue position provides an additional method to better align the program queue with the interconnection queue. However, *solely* (rather than primarily) relying on queue position may have unintended consequences for incentivizing more mature projects.

Even with perfect availability of information, "top two queue position" alone is quite limited as a predictor of project success for a number of reasons:

[3] While theoretically possible that insufficient projects apply on November 1, 2022 to fill both of Group A and Group B within the Traditional Community Solar block and antitrust prohibitions prevent the Joint Solar Parties from a full picture, the Joint Solar Parties suspect there will be sufficient applications on November 1, 2022—assuming proper functioning of the application portal—to fill both Group A and Group B.

- Substations have varying hosting capacities, and many could allow substantially more projects to interconnect without significant upgrades.

- Feeder voltage levels vary, impacting the number of projects that can be accommodated without significant upgrades. For example, two projects may not fit on a 4kV circuit, while many more than two can fit on a 34.5kV circuit.

- Queues provide a specific snapshot in time but are constantly changing as projects move up and out of the queue.

In light of the above, the Joint Solar Parties recognize that many projects which are neither first nor second (and occasionally much lower) on a substation or even feeder may also be good contenders for prioritization because they have no contingencies and have a clear pathway to energizing. A much more accurate assessment of a project's likely path to completion would be whether its interconnection agreement or associated studies identify that the projected costs are contingent on projects ahead of it in queue. If a project has a valid interconnection agreement with no contingent upgrades, it is more likely to be built than a project whose interconnection costs are contingent on other projects moving forward (especially if the contingency is in the high seven figures or higher, as has happened from time to time). To provide a more comprehensive and realistic gauge of project readiness that focuses on risk mitigation and not just one proxy (queue position), the Joint Solar Parties recommend providing maximum points[4] for first/second in queue on the substation *or* demonstrating an interconnection agreement with no contingencies in the scope. The Joint Solar Parties anticipate that no contingencies should be relatively straightforward to verify by providing the relevant attachment to the interconnection agreement or by the IPA confirming with the interconnecting utility.[5]

Additionally, the Joint Solar Parties recommend that the IPA clarify that points for high queue position are dependent on having a signed, valid interconnection agreement, and that projects are not eligible for any other interconnection points until an interconnection agreement has been signed or if the interconnection agreement has been terminated before application.[6]

Finally, neither ComEd nor Ameren (nor MidAmerican or any municipal utilities or cooperatives to the knowledge of the Joint Solar Parties) provides developers with complete data for queue position or contingencies. ComEd does make information available on its Interconnection portal, but it can be somewhat difficult to parse. Ameren does not currently provide this information at all in relevant studies, interconnection agreements, or its portal. As a practical minimum, this lack of information raises questions of how IPA can use this criterion to score projects, or how applicants can demonstrate their queue position when applying. As a matter of incentivizing developer behavior, it is difficult to choose a site that is likely to be early in queue if it is difficult

[4] As noted in this section, the Joint Solar Parties recommend a single point for the "high in queue" category but if the IPA does not adopt that proposal and keeps the category at two points, the Joint Solar Parties recommend the full two points be assigned for either first/second on substation at the time of application *or* no contingencies.

[5] If necessary, the Joint Solar Parties support including a standard form in the Part I application that an Approved Vendor may sign to authorize the interconnecting utility to confidentially release to the IPA contingency and substation queue position information to the extent such information is not included in the interconnection agreement itself. The Joint Solar Parties would not object to the authorization being optional but required for Approved Vendors seek points in this category but that cannot independently establish queue position on the substation or contingencies.

[6] The Joint Solar Parties recommend that the IPA clarify whether receiving points for an interconnection agreement requires the interconnection agreement to remain in place through Energization and the project lifecycle.

or impossible to ascertain in advance (or at all) where in queue a project will be. The Joint Solar Parties therefore urge the Agency to directly engage with utilities, to ensure this information is available for the Agency to score projects effectively and for developers to make rational decisions. As noted above *supra* in footnote 5, the Joint Solar Parties support the IPA securing a release for the utility to provide queue and contingency information similar to the form the IPA currently uses for release of subscription information for verification purposes.

C. Commitment To Score Within A Specific Timeframe (Highest Priority)

The Joint Solar Parties recommend that the IPA establish a deadline for its process of scoring projects that apply on the first day the program opens. Because the ICC-approved criteria are relatively objective, an ideal timeline would allocate one week for the Program Administrator to score before notifications are sent to developers of any deficiencies, followed by one additional week to cure such deficiencies before deficiencies are reviewed (on a rolling basis) and posted. Clarifying the scoring timeline would provide necessary certainty to the industry and allow developers to make informed business decisions regarding their projects. The shorter the timeframe a developer must wait for clarity around selection or waitlist position, the more effectively the developer can deploy its capital (toward projects with a clear pathway and away from projects without a viable path) and the less financial pressure on each awarded project. If technically feasible, the Joint Solar Parties also suggest that the IPA could allow projects to submit earlier than the November 1, 2022 program year opening but still count towards "day one" submissions, giving the IPA and Program Administrator additional time to score projects.[7] The Joint Solar Parties recommend that no matter what timeframe the IPA chooses that it should publicly announce the anticipated timeframe prior to November 1, 2022.

D. Summary of Highest Priority Recommendations

- The Joint Solar Parties recommend the IPA set the waitlist minimum threshold at four points, while decreasing the maximum available points for interconnection to 3.99 points by reducing the maximum points for earliest interconnection agreement date from one point to 0.99 points.

- The Joint Solar Parties recommend that two points (rather than one point) be awarded for a valid interconnection agreement, with one additional point (rather than two points) possible for first/second in queue on the substation or the demonstration of an interconnection agreement with no contingencies in the scope.

- The Joint Solar Parties recommend that the IPA establish a deadline for its process of scoring projects that apply on the first day the program opens: an ideal timeline would allocate one week for the Program Administrator to score before notifications are sent to developers of any deficiencies, followed by one additional week to cure such deficiencies before deficiencies are reviewed (on a rolling basis) and posted.

II. Recommendations (Below Highest Priority Recommendations)

[7] The Joint Solar Parties further note that pre-November 1, 2022 submissions would also allow for bug identification and elimination by Energy Solutions.

The following recommendations are intended to improve the clarity and comprehensiveness of the proposal and provide a number of questions for the IPA to consider in its implementation process.

A. Siting

Scoring Criteria

The Joint Solar Parties noted that the IPA has a bonus for developing in an environmental justice area, but does not include R3 areas as well. Given that the definition of "eligible person" in Section 1-10 of the IPA Act allows either environmental justice or R3 areas to qualify, the General Assembly provided some evidence that environmental justice and R3 areas are equally prioritized. In addition, the Commission's Final Order in ICC Docket No. 22-0231 included both environmental justice and R3 areas as part of the exception to the Conservation Opportunity Area subtractor. In other words, there is ample basis to support intent to bring in R3 areas in tandem with environmental justice areas. The JSP therefore recommends that scoring criteria 2(a) should be modified to read: "Sited in an Environmental Justice Community **or R3 Area"** (2 points).

The IPA should further confirm that the environmental justice area mapping tool offered by the Solar for All Program Administrator is definitive and that the R3 address lookup is intended as the definitive statement of R3 areas.

Accurate Mapping Data

In order to ensure the Agency and all market participants are operating from the same data set, the Program Administrator should endeavor to publish a single map that provides official data for several key locations or areas that directly impact scoring:

- Conservation Opportunity Areas
- Environmental Justice and R3 Areas (both for siting criteria and for potential removal of the Conservation Opportunity Area subtractor)
- Community solar projects that have been approved by the Commission (for siting points purposes)

The Joint Solar Parties urge the IPA to, at minimum, publish official KMZ files of these areas to allow developers a definitive tool for confirming location of development investments. A definitive tool will facilitate developers selecting sites that are in one or more locations that align with the policy goals of Public Act 102-0662 and the scoring criteria meant to capture those goals.

While partial data can be gathered from the Solar for All website, the IPA's website, the Illinois Department of Natural Resources website, and informally from unofficial sources, it remains difficult to find a unified, authoritative map or tool. The IPA site does provide spreadsheets with location data for approved projects, as well as "application reports" that include addresses, but this information is spread across multiple documents and co-located with DG project data, making verification a difficult exercise.

Having unified, authoritative location data is of course crucial for the Program Administrator to effectively score projects but also essential to developers to pursue the public policy goals in CEJA.

Without this information, developers and community members cannot accurately organize or make investments in underserved and overburdened areas, enhance geographic diversity or avoid areas deemed sensitive.

Verification of Disturbed Lands

The elimination of this characterization by the USGS and the lack of a single source of historical truth for this definition will make this extremely difficult for projects to achieve the disturbed areas points. The IPA should nonetheless clarify that the project itself was not the source of the mechanical disturbance. In other words, a project cannot clear out trees on a property in order to build a project and then consider that mechanically disturbed.

Additionally, the IPA may want to consider how long ago the disturbance happened or continued in place. Much of the land in Illinois has been altered significantly in the past two centuries in some form or another, with varying degrees of permanence. While an overly-broad definition of disturbed might lead to results inconsistent with the IPA's goals, a definition that is too restrictive will exclude worthy sites that, viewed individually, would be fully consistent with the policy goals of Public Act 102-0662. To balance these competing interests, the Joint Solar Parties note that the IPA could seek documentation to demonstrate that the disturbance occurred is continuing or was initiated within the past 40 years.

In order to award points for disturbed land, the JSP recommends that the IPA include a requirement for verification of the original source of the disturbance, through a property owner affidavit, news article or some other form of documentation.

Agrivoltaics

Agrivoltaics (AgPV), on a commercial scale, is new to the United States concept, but is gaining attention and interest from policymakers and conservation groups around the country. There are increased costs associated with AgPV systems due to the relative newness of the asset class, but industry and agricultural partners are working towards standardizing AgPV arrays and minimizing unnecessary costs due to overly prescriptive design requirements. Fraunhofer ISE, the leading authority on AgPV research and standards simply states that arrays using standard equipment for crop harvest should be at least 2.4-3 meters (about 8-10 feet) tall from ground to torque tube to allow for farming equipment to pass through and for farm employees to be able to walk freely and comfortably around the array.[8] Increased costs are attributed to specific construction best practices, market-competitive farmer compensation to ensure the land remains in agricultural production over the life of the project and the logistics of collaborating with a farming operation.

The Joint Solar Parties believe that the following definition provided in the Strawman is generally acceptable:

> *"[A] configuration where solar photovoltaic energy generation and agricultural production (crops, livestock, and livestock products as defined by 505 ILCS 5/3.02)*

[8] *See* Fraunhofer Institute for Solar Energy Systems ISE, Agrivoltaics: Opportunities for Agriculture and the Energy Transition (October 2020) at 16 (the "Fraunhofer Report") (available at: https://www.ise.fraunhofer.de/content/dam/ise/en/documents/publications/studies/APV-Guideline.pdf)

are directly integrated and simultaneously producing within the footprint of the project."

Regarding the proposed 75% threshold for agricultural activities, the Joint Solar Parties recommend that, because there is only a single point award for AgPV projects, the threshold of agricultural activities should be lowered to 50% within the array footprint. (*See also* Fraunhofer Report at 16 (recommending shade over not more than 50% of crop cover during peak growing season).) The Joint Solar Parties encourage the IPA to continue to explore AgPV as a prefered siting category and if there are additional points added for AgPV to the scoring criteria, the IPA may adjust the requirements for threshold for agricultural activities accordingly. The Joint Solar Parties further recommend that the IPA measure the percentage of agricultural production as a percentage of the footprint of the array. This allows for spacing for machinery and other agricultural operations around the perimeter and between the necessary rows.

Regarding verification and compliance, the Joint Solar Parties recommend requiring verification by submitting a plan for the agricultural use at the Part I application and then demonstration of active agricultural use within the first year of the project's operation. While this process would generally work, it is important to note that some agricultural uses may not be operational at certain times of the year (for instance, crops are only planted during certain seasons), necessitating some leeway in terms of post-operational verification.

In response to the IPA's question regarding whether grazing should be considered part of agrivoltaics, the Joint Solar parties recommend that grazing should be considered agrivoltaics. For grazing operations, the Joint Solar Parties recommend that grazing projects provide a livestock management plan to the IPA with the Part II application.

Pollinator-Friendly Commitment

For the pollinator friendly point within the scoring rubric, the Joint Solar Parties recommend clarification on the proof required as part of the Part I submission. The Joint Solar Parties recommend that an attestation of the commitment be provided at the Part I submission, with proof of actual planting or a schedule for planting required at the Part II application including seed mix, letter of intent of the property owner, or other evidence.

Conservation Opportunity Area Subtractor

As explained *supra*, the Joint Solar Parties recommend that the IPA publish the data set it uses for Conservation Opportunity Areas as soon as possible. Again, the Joint Solar Parties note that the Program Administrator will need to use some data set for verification of Part I applications, so compiling the data set is something the Program Administrator may need to do eventually anyway. In particular, developers would benefit from having a single mapping interface that includes Conservation Opportunity Areas (which is no longer made available by the Illinois Department of Natural Resources as a KMZ file), environmental justice/R3 areas, and community solar projects that have been approved by the Commission.

In scoring criteria 1e, the IPA requires rooftop projects sited in a Conservation Opportunity Area to engage in pollinator-friendly habitat in order to avoid the subtractor:

(Subtract 2 points, unless the project received points for 1.d. and is sited in an Environmental Justice Community, an R3 area, and/or on a brownfield site, contaminated land, or rooftop or other structure)

While green roofs are becoming more prevalent, it is not common practice to conduct pollinator friendly efforts on a rooftop. Adding a significant weight from soil to accommodate pollinator planting to the weight of the PV system and weight from snow in the winter is likely too much for most existing roofs to accommodate. The Joint Solar Parties thus recommend removing the subtractor for projects in a Conservation Opportunity Area which are sited on a rooftop. While not explicitly allowed as an exception to the Conservation Opportunity Area subtractor, making rooftop solar projects an exception is consistent with the Final Order in ICC Docket No. 22-0231, which also identifies affixing solar to buildings as a scoring criteria: "The Commission recognizes the value of encouraging solar on rooftops and other existing structures from a land conservation perspective." (ICC Docket No. 22-0231, Final Order dated August 14, 2022 at 60.) As the Commission itself noted: ". . . explicitly incorporating projects on rooftops and other structures would be consistent with the policy goals of P.A. 102-0662, which underlies the IPA's rationale for all of its scoring criteria." (*Id.*) Meanwhile, placing solar on the rooftop will not further develop any additional ground surface area that can be conserved or restored.

Equity Eligible Contractors

The Joint Solar Parties and the solar industry more broadly are committed to achieving the equity goals of CEJA and are actively working with trade associations, equity organizations and other groups to build partnerships and promote EEC opportunities. Despite this outreach, the Joint Solar Parties remain concerned about the ability for this segment to scale in time to make binding commitments with identified EECs by November 1, 2022. Based on currently available information, there are currently few registered EEC Designees available to perform EPC work at this time. Moreover, to date most known EEC Designees tend to specialize (in electrical work, rooftop installation, etc.) rather than be prime contractors. EECs or entities that may eventually be certified as EECs are likely evaluating their ability to scale and meet various contractual requirements.

While the Joint Solar Parties understand that this scoring criteria has been approved by the Commission, upon a more detailed investigation of project development costs and current EEC availability, the Joint Solar Parties worries that the IPA's minimum threshold standard (50% of REC Contract value to EECs) could make it more difficult to work with EECs. Unless procurement and subcontracted work (including engineering, construction, civil survey, environmental, etc.) counts toward that minimum—similar to the MWBE commitment under the low-income community solar program within Solar for All—it does not appear likely that the minimum threshold is achievable in most cases. Under the CREST model used to determine REC prices, a generous interpretation of the total costs included in "construction and electrical work" only represent approximately 30% of the total EPC price and far less than 50% of REC Contract value. Unless the Solar for All approach for MWBE is adopted, even if an applicant committed to using EECs for 100% of the construction and electrical work, it would fall short of the 50% REC Contract minimum. The Joint Solar Parties also understand that the Solar for All approach for the MWBE commitment allows the MWBE to subcontract with non-MWBE, but as long as the funds flow through the MWBE to its subs those expenditures count toward the MWBE spending goal. The Joint Solar Parties recommend consistency with the Solar for All approach.

The Joint Solar Parties believe a better approach may be to allow any contracted work that is performed by an EEC to qualify under the definition of "development work." The Joint Solar Parties believe this standard would be more in line with the Solar for All approach to MWBEs and thus difficult but achievable for dedicated developers.

The Joint Solar Parties continue to have questions about the implementation of scoring for EECs, including the following:

- Must subcontractors to an EEC prime (or sub-subcontractors to an EEC subcontractor, etc.) also be EECs in order to achieve the 100% EEC threshold? Again, the Joint Solar Parties understand that under Solar for All, the MWBE points do not require that the MWBE use MWBE subcontractors as long as the MWBE entity is receiving 50% of the REC Contract value.

- For a "project developed by an EEC certified approved vendor," what work must that EEC Approved Vendor undertake itself and what may be subcontracted to a non-EEC third party or completed by a non-EEC third party prior to the project (pre-Part I application) being sold to the EEC-certified Approved Vendor?

- If the EEC identified in the Part I application becomes unwilling or unable to undertake the construction (or development if the Joint Solar Parties' proposal is adopted) work, will substitution with permission be allowed similar to the Solar for All MWBE program?

Regarding the commitment and verification aspect of development and construction work by EECs, the Joint Solar Parties recommend that EEC use be demonstrated through an attestation of intent in the Part I application with actual invoices required in the Part II application.

The Joint Solar Parties also encourage the Program Administrator or the IPA to publish a list of EECs-Approved Vendors and EEC-Designees. Non-EEC Approved Vendors cannot collaborate much less contract with EECs that the Approved Vendor is not aware of.

B. Other Questions Regarding The Application Process

Developer Cap

The Joint Solar Parties are supportive of the terms of the developer cap laid out in the Strawman, specifically the 20% cap per Group. The Joint Solar Parties recommend that the IPA should clearly specify a developer cap date so Approved Vendors can plan transactions accordingly. The Joint Solar Parties further recommend clarity as to where the projects not selected due to the cap will go on the waitlist relative to other projects.

Required Documentation

In order to streamline project scoring and award, the JSP requests that for each point category which cannot be met through a simple attestation, that the IPA provide specific guidance on what documentation will be required at Part I and Part II application submission. The Joint Solar Parties made a number of recommendations *supra*, but a comprehensive list (similar to the high-level overview provided in the Program Guidebook today) would be helpful.

C. Summary of Recommendations

- The IPA should add R3 areas to environmental justice areas for the siting adder.

- The IPA should create standardized and authoritative (for program purposes) KMZ maps for conservation opportunity areas, environmental justice (and R3) areas, and areas where no community solar projects have been approved by the Commission.

- The IPA should require verification of disturbance or continued disturbance of land within the last 40 years to qualify as disturbed land.

- The IPA should update the standard for the Agrivoltaics adder to require 50% or more crops within the array footprint or grazing animals and adopt standards for submission of an Agrivoltaics plan at Part I and verification of use within the first year of operation.

- The IPA should remove the conservation opportunity area subtractor for rooftop systems

- The IPA should clarify calculation of payment to an EEC-contractor for purposes of the scoring criteria (including consistency with the Solar for All approach to MWBE contractors), the functioning of the developer cap, and the documentation required to submit a Part I and Part II application.

III. Conclusion

The JSP thanks the IPA for its continued efforts on the Adjustable Block Program implementation and would welcome the opportunity to discuss anything included in these recommendations. The Joint Solar Parties look forward to updated program guidance with as much time as possible before November 1, 2022 so that each developer can adjust their approach or address any issues with the maximum available amount of time.