Surya Powered LLC
Stakeholder Feedback Submission

Stakeholder Feedback on EEC CS Self-Perform REC Adder

Recommendation to preserve the Program Guidebook's "EPC or development work" standard through separate qualification paths.

Core Recommendation

The Agency should adopt two independent pathways for self-performance eligibility: a Development Self-Performance Path and an EPC Self-Performance Path. An EEC that self-performs most of the development work should not be required to also self-perform procurement or construction to qualify for the $5/REC adder.

Why the Proposed Blended Chart Should Be Revised

Surya Powered supports the creation of the $5/REC Self-Perform Adder. However, the proposed scoring framework should be revised because it blends EPC and development activities into a single 100-point chart, while the Program Guidebook language states that eligibility applies where the EEC self-performs most of the engineering, procurement and construction, or development work.

The word "or" matters. It means an EEC should be able to qualify by performing most of the development work, even if the EEC later partners with a third-party EPC for final engineering, procurement, and construction.

The current proposed structure assigns up to 30% to procurement and up to 40% to construction, while the entire early-stage development process is largely compressed into 20% for engineering. That allocation undervalues the work that creates, entitles, and de-risks a community solar project before it reaches the procurement stage.

Market Reality for Community Solar Developers

Community solar projects are commonly developed by companies that specialize in origination and development, then partner with qualified EPCs for final engineering, procurement, and construction. This is not a lack of self-performance. This is how the market is structured.

The highest-risk capital is often spent before procurement and construction. At the greenfield stage, the developer is taking risk on land control, interconnection, engineering, environmental diligence, zoning, community engagement, local permitting, and the possibility that the project never reaches approval. Once a project is ready for procurement, much of the entitlement and fatal-flaw risk has already been resolved.

Recommended Structure

The scoring framework should reflect the Guidebook's "EPC or development work" language by creating two independent qualification paths instead of one blended EPC/development chart.

Recommended Qualification Path	How the EEC Qualifies
Development Self-Performance Path	The EEC performs and controls at least 50% of the Development Work chart. This path recognizes greenfield origination through Part I readiness or NTP readiness.
EPC Self-Performance Path	The EEC performs and controls at least 50% of a separate EPC chart covering final engineering, procurement, construction, interconnection, testing, commissioning, and energization.

Minimum Qualification Standard
An EEC should qualify under the Development Self-Performance Path if it performs and controls at least 50% of the development work shown in Table 1. The standard should focus on who originated, advanced, funded, managed, and bore the development risk for the project.

Why this matters

- A single blended chart effectively forces a development-focused EEC to also self-perform procurement or construction to reach 50% eligibility.
- That outcome conflicts with the word "or" in the Guidebook language and does not match how community solar projects are commonly developed.
- Separate paths preserve flexibility: an EPC-focused EEC can qualify through EPC work, and a development-focused EEC can qualify through development work.

The development chart below is intended to mirror the Agency's chart format while reallocating value to the work that creates and de-risks the project before procurement and construction.

Table 1. Proposed Development Work Self-Performance Task Values

The Development Self-Performance Path should be a standalone 100-point chart. The EEC should qualify if it performs and controls at least 50% of the development work shown below. This chart focuses on objective, documentable development activities rather than softer items that are difficult to verify.

Development Work Self-Performance Task	Proposed Value
Development Work - 100% Qualification Path	
1. Landowner outreach, relationship management, and site control **Required elements to receive credit:** a. EEC leads landowner outreach, negotiations, and ongoing relationship management b. EEC negotiates the lease, option, purchase agreement, easement, or equivalent site control document c. EEC secures an executed site control agreement and manages amendments or ongoing compliance **Verification:** Executed lease/option/purchase agreement, landowner correspondence, amendment history, and site control records.	**20%**
2. Interconnection application preparation, submission, and utility correspondence **Required elements to receive credit:** a. EEC prepares and/or controls preparation of the interconnection application package b. EEC submits or directs submission of the interconnection application c. EEC manages utility correspondence, study process, deadlines, and project viability decisions d. EEC pays the interconnection application fee, study fee, or required deposit where applicable **Verification:** Utility application, queue confirmation, utility correspondence, invoices, payment confirmations, study documents, and deposit evidence.	**20%**
3. Development diligence, environmental, survey, title, and engineering studies **Required elements to receive credit:** EEC must complete or contract out and manage a majority of applicable diligence work: a. Environmental diligence, wetland, stormwater, cultural resource, wildlife, or similar development reports b. ALTA survey, boundary/topographic survey, title commitment, title curative, or real estate diligence c. Preliminary site plans, plot diagrams, array layout coordination, and civil development constraints review d. Other engineering studies needed to support local approval, project feasibility, or EPC handoff **Verification:** Professional service scopes, executed proposals, invoices, payment evidence, reports, site plans, ALTA surveys, title materials, and consultant correspondence.	**20%**
4. Local permitting, zoning, land use approval, and SUP process **Required elements to receive credit:** EEC should demonstrate at least three of the following: a. AHJ coordination, pre-application meetings, zoning analysis, and local process management b. Preparation and submission of the land use, zoning, SUP, variance, or equivalent approval application c. Public hearing preparation, presentation materials, staff comment responses, and community engagement d. Attendance at zoning, planning, or county board meetings, supported by meeting minutes where available e. Securing the applicable land use approval, SUP, ordinance, conditional approval, or AHJ confirmation **Verification:** SUP or land use application, hearing materials, meeting minutes, staff reports, AHJ correspondence, approval ordinance, permit, or equivalent local approval documentation.	**40%**
Total	**100%**

Note: For purposes of self-performance, an EEC should receive credit where it materially leads, manages, pays for, and bears risk for the activity, including where licensed professionals or consultants are engaged under the EEC's direction.

Rationale for the Revised Development Chart

- The chart should emphasize documentable work. Site control, interconnection payments, diligence reports, AHJ filings, SUP applications, and meeting records are objective materials that can be reviewed by the Program Administrator.
- Development is where project creation occurs. Without land control, interconnection, diligence, permitting, and local approval, there is no project for an EPC to build.
- Development is the riskiest capital stage. The developer may spend time and money for months or years before knowing whether a project is buildable, financeable, or eligible for program submission.
- The SUP and local approval process deserves heavy weighting because it requires significant coordination, public process management, consultant work, staff engagement, community engagement, and board or AHJ approval risk.
- A blended EPC/development chart overweights the lower-risk post-entitlement stages and underweights the activities that make a project viable in the first place.
- A development path supports smaller EEC developers instead of limiting the adder to large vertically integrated entities with in-house procurement and construction capabilities.
- The use of third-party surveyors, engineers, environmental consultants, attorneys, and other professionals should not defeat self-performance where the EEC scoped, managed, paid for, and directed the work. Developers routinely rely on specialized licensed professionals.

Reasonable Verification Materials

The Program Administrator can verify development self-performance through the written narrative required at Part I and customary project records. Not every item below is required for every project or prior to SUP. The list is intended to show the breadth of work that may support a development self-performance narrative where applicable.

Landowner outreach and site control	Executed lease, option, purchase agreement, easement, landowner correspondence, amendment history, title commitment, relationship management records, and site control records.
Interconnection	Interconnection application, queue confirmation, utility correspondence, application fee invoice, payment confirmation, study invoice, study deposit evidence, interconnection study documents, and project viability analysis.
Environmental reports and agency coordination	Wetland delineation report, State Historic Preservation Office coordination, US Fish and Wildlife Service coordination, US Army Corps of Engineers coordination, EcoCAT consultation, NRI report, Phase I ESA, and related consultant correspondence.
Surveying and title	ALTA survey, boundary survey, topographic survey, title commitment, title exception review, easement review, curative work, and surveyor correspondence.
Other engineering and technical reports	Noise studies, decommissioning plans, geotechnical report, drain tile survey, glare study, preliminary erosion and sediment control plans, soil subsurface certifications, preliminary site plans, plot diagrams, and civil constraints review.
Permitting and SUP	AHJ correspondence, pre-application meeting records, land use or SUP application, staff reports, hearing materials, presentation materials, community engagement records, meeting minutes, approval ordinance, SUP, permit, or written AHJ confirmation.

Requested Revision

Surya Powered respectfully requests that the Agency revise the evaluation framework so that an EEC may qualify by self-performing most development work or most EPC work. The scoring model should not require EEC community solar developers to be vertically integrated EPCs in order to access the adder.

In short, "most work" should mean the EEC materially originated, advanced, and de-risked the project through the applicable development pathway, or separately performed the majority of EPC activities through an EPC pathway.

Submitted by Surya Powered LLC