



August 7, 2023

Public Act 18-50, Section 7(a)(1)(C)

**STATEWIDE SHARED CLEAN ENERGY FACILITY PROGRAM
NOTICE OF PUBLIC MEETING AND OPPORTUNITY FOR WRITTEN COMMENTS**

I. Introduction

In accordance with recommendations from the Governor's Council on Climate Change (GC3) and the Department of Energy and Environmental Protection's (DEEP) Integrated Resource Plan (IRP), DEEP convened the Sustainable, Transparent and Efficient Practices (STEPS) for Solar Siting public engagement process in June 2021. DEEP recognizes the overlap between the STEPS effort and the siting considerations in the fifth procurement (Year 5) of the Shared Clean Energy Facility (SCEF) Program, authorized pursuant to Section 16-244z of the Connecticut General Statutes. Therefore, DEEP will hold a combined STEPS/SCEF public process regarding siting clean energy (primarily solar photovoltaics) on agricultural land while preserving the use and agricultural productivity of that land.

II. Background

a. STEPS

The STEPS team recently completed the attached draft of the Guidance for Siting Solar on Agricultural Land (Draft Guidance). The Draft Guidance was developed based on research by the STEPS team, including benchmarking policies in other states, collaboration with the Connecticut Department of Agriculture (DoAg), and input received from stakeholders during the 2021 STEPS scoping process¹ and the March 2023 siting workshop for DEEP's zero carbon energy generation procurement.² The Draft Guidance discusses "Agrivoltaics," defined as the practice of co-locating agricultural production and solar photovoltaic energy generation within the same footprint of land. DEEP and DoAg recommend dual use systems that maximize crop production and minimize changes to existing vegetation management, while also incorporating solar energy production. Solar installations should be strategically designed, installed, and operated to maintain agricultural productivity and soil quality.

The Draft Guidance reviews siting best practices for Agrivoltaics, including environmental considerations such as impacts to core forests, wetlands, stormwater, wildlife, and land management. Further, the Draft Guidance discusses planning considerations, design recommendations, technical considerations for interconnection, Connecticut Siting Council requirements, and decommissioning plan requirements, including the decommissioning bond that is now required for certain projects with the passage of Public Act 23-163. The document includes links throughout and an additional list at the end to make developers aware of existing resources related to Agrivoltaics.

¹<https://portal.ct.gov/-/media/DEEP/Planning/STEPS-for-Solar-Development/STEPS-Scoping-Meeting-Notice-7-19-21.pdf>

²[https://www.dpuc.state.ct.us/DEEPEnergy.nsf/c6c6d525f7cdd1168525797d0047c5bf/22123aef97d89e09852589820078b1bf/\\$FILE/2023%20Procurements%20Amended%20Notice%202023-03-30%20with%20slides.pdf](https://www.dpuc.state.ct.us/DEEPEnergy.nsf/c6c6d525f7cdd1168525797d0047c5bf/22123aef97d89e09852589820078b1bf/$FILE/2023%20Procurements%20Amended%20Notice%202023-03-30%20with%20slides.pdf)

b. SCEF

SCEF is an annual competitive clean energy procurement administered by the Electric Distribution Companies (EDCs) and overseen by the Public Utilities Regulatory Authority (PURA). It started in 2020 and it is a 6-year program that procures 50 MW of clean energy annually.³ Projects range from 100 kW to 5 MW⁴ and include Class I renewable energy resources like solar and fuel cells. Each year the EDCs issue the RFP in January, bids are due in March, and projects are selected in May.

DEEP plays two roles in the SCEF program:

1. Each year on September 1st, DEEP files program recommendations with PURA. This filing includes revisions to the Program Manual, the suggested project price cap for the program, suggested bid preferences for the program, and revisions to Appendix B of the RFP, which is the part of the application that DEEP reviews.⁵
2. DEEP reviews and evaluates Appendix B responses. This evaluation includes a review of bids claiming bid preferences to ensure they meet all eligibility requirements.

Bid preferences in SCEF are used to incentivize project types/characteristics that help achieve Connecticut policy goals, even if they make the project more expensive. The bid preference does not act as an adder to provide more money to the developer, but rather reduces the bid price for evaluation purposes to make it more competitive with cheaper projects that do not achieve the particular policy goal. The project, however, is paid whatever price it bid in. In Years 1-4 there was a 20% bid preference for projects sited on landfills and brownfields and in Years 3-4 there was also a 30% bid preference for solar canopy projects. The bid preferences cannot be stacked. For example, if a previous project sited on a landfill bid into the SCEF procurement at \$100/MWh, it was evaluated and ranked as if it cost 20% less or \$80/MWh. If the project was selected, it still received \$100/MWh.

DEEP is considering recommending a bid preference for Agrivoltaics to PURA for Year 5. In crafting this bid preference, DEEP must consider the bid preference percentage amount, establish clear eligibility requirements, and determine an appropriate enforcement mechanism. This recommendation must be developed by September 15, 2023 to file with PURA. DEEP is considering using the Agrivoltaics recommendations that are presented in the Draft Guidance, specifically the Design Recommendations in Appendix A, to shape the SCEF bid preference eligibility criteria.

III. Public Process

a. Public Meeting

³ In program years 1-3 SCEF procured 25 MW per year, then Public Act 22-14 increased the annual program cap to 50 MW for years 4-6.

⁴ Public Act 22-14 increased the maximum project size from 4 MW to 5 MW.

⁵ DEEP filed a Motion for Extension of Time regarding the September 1, 2023 deadline on July 24, 2023. On August 3, 2023, PURA approved the Motion for recommendations related to agrivoltaics. All other recommendations will be filed with PURA on September 1, 2023 as usual.

DEEP will hold a public meeting to present the attached Draft Guidance and draft Agrivoltaics bid preference and hear stakeholder comments. The meeting will be held virtually via Zoom on **August 16, 2023 at 10:30 AM EST**.

[Please register for the meeting HERE](#)

b. Opportunity for Written Comments

By way of this Notice, DEEP requests written comments regarding the STEPS Draft Guidance and the SCEF Year 5 Agrivoltaics Bid Preference. Written comments may be filed electronically on DEEP's website or submitted to DEEP.EnergyBureau@ct.gov with "Agrivoltaics Comments" in the subject line **by August 30, 2023 5 PM EST**. All materials submitted by stakeholders in this proceeding will be posted on the DEEP website. Any questions can be directed to DEEP.EnergyBureau@ct.gov.

DEEP welcomes comments on all aspects of the attached Draft Guidance and the SCEF bid preference, and is particularly interested to hear from stakeholders about the following questions:

STEPS

1. Are there any additional siting best practices or design recommendations to accommodate Agrivoltaics, beyond those that are included in the Draft Guidance?
2. Is it feasible to propose greater spacing of panels and higher clearance under panels to accommodate more sunlight to the ground and operational clearances for machinery access, respectively?

SCEF

1. Should DEEP recommend a bid preference for Agrivoltaics to PURA for Year 5?
Please explain your reasoning.
2. What bid preference percentage amount should be given to Agrivoltaics projects?
Please explain your reasoning.
 - a. Should different agricultural uses be given different bid preference amounts?
 - b. Are there particular crops or livestock that should be given preference over others?
3. What eligibility requirements should be established for projects seeking an Agrivoltaics bid preference? What evidence should bidders be required to provide to show that they meet this definition? Please explain your reasoning.
4. What enforcement mechanism(s) are fair and effective to ensure that projects receiving an Agrivoltaics bid preference continue to meet eligibility requirements throughout the duration of the 20-year program term? Please explain your reasoning.
 - a. If an Agrivoltaics project is sold to another solar company, how can any enforcement mechanism(s) be passed to the new owner?
 - b. How can decreased and/or ceased agricultural productivity that is not a result of the installed solar panels be factored into annual enforcement mechanisms for the project?
5. Is it feasible for farmers/landowners to maintain an active and productive farm for 20 years?

DEEP is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact us at (860) 418-

5910 or deep.accommodations@ct.gov if you are seeking a communication aid or service, have limited proficiency in English and may need information in another language, require some other accommodation or wish to file an ADA or Title VI discrimination complaint. Any person needing a hearing accommodation may call the State of Connecticut relay number — 711.

Requests for accommodations must be made as soon as possible prior to any agency hearing, program, or event.