



Aida Camacho-Welch
Secretary of the Board
Board of Public Utilities
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April 9, 2021

Comments Regarding Docket No. QO18060646: New Jersey Community Solar Energy Pilot Program - Chris Kallaher on behalf of Ampion, PBC

Dear Secretary Camacho-Welch:

Ampion, PBC is pleased to submit these comments in response to the Board's March 11, 2021 Request for Comments and Stakeholder Meeting Notice. Ampion is a community solar subscriber organization that is currently operating in New York, Massachusetts, Maine, Maryland, and other states that are in the process of implementing community solar and other distributed generation programs. We greatly appreciate the Board's efforts to enable community solar in New Jersey and see consolidated billing as an important accelerant for that goal. The detailed questions put out for comment are helpful in that regard; though we may not have answers to every question at this time, they are the right questions to be asking.

Responses to Stakeholder Questions

Question 1: In New Jersey, customers who purchase their electricity supply from a Third Party Supplier (TPS) are typically billed by their EDC. Known as Utility Consolidated Billing, the customer receives a single bill that includes supply charges and related taxes from its TPS and delivery charges and related taxes and charges from its utility. Occasionally, in NJ and in other jurisdictions, dual billing is employed where a customer receives a bill from the customer's utility company that includes only the utility's charges and a separate bill from the customer's TPS that includes only the TPS charges. In other jurisdictions, the TPS sends the utility bill to the customer, which contains all of the utility's relevant charges. This billing methodology is sometimes called TPS Consolidated Billing.

What lessons can be drawn from consolidated billing for TPS customers with respect to its potential application to community solar? What are the advantages or disadvantages of Utility Consolidated Billing, TPS Consolidated Billing and dual billing as they apply to community solar?

Response:

Consolidated billing for TPS customers offers only limited lessons with respect to its application to community solar. The reason for this is the fundamental difference between the service being provided by the utility to TPSs in the former and that provided to community solar sponsors and subscribers in the latter. TPSs use the utilities distribution system to deliver commodity electricity to end-use customers. Those delivery services are charged to the end-use customers at tariffed rates and the responsibility for paying both the delivery and commodity charges remains with the end-use customer.

Community solar, on the other hand, involves the creation of bill credits through the production of electricity by a participating solar facility, which bill credits represent an obligation of the utility to the subscribers to whom the bill credits have been allocated. The application of those credits to a subscriber's bill thus reflects a financial obligation of the utility. No such financial obligation underpins the relationship between a utility and a TPS to which the utility provides consolidated billing services; absent the agreement to bill, collect and remit on the TPS's behalf, the utility owes the TPS nothing.

This distinction will be important to keep in mind as this docket proceeds. As discussed further below, the net crediting approach adopted by New York captures this distinction well, and Ampion encourages the Board to adopt that approach as soon as possible so that any confusion between that approach and "consolidated billing with purchase of receivables," which is the service provided to TPSs, can be avoided.

Distilled to its essence, the difference between these approaches can be described as follows. Consider a transaction involving \$10 worth of bill credits owed by Utility to Solar Company. Solar Company has sold the right to those bill credits to Customer for \$9. Under net crediting, rather than giving the full \$10 of credits to Customer, Utility allocates the net amount that Customer will realize from the transaction - \$1 - to Customer and remits the remaining amount of the value of the credits - \$9 - to Solar Company, minus a processing fee. This arrangement discharges Utility's obligation to Solar Company for the \$10 worth of credits while obviating the need for Solar Company to bill and collect the \$9 from Customer.

In contrast, let's say a TPS customer uses \$10 worth of power provided by the TPS. The TPS customer owes the TPS \$10, period; the utility owes neither the TPS nor the customer anything. In exchange for a fee (usually in the form of a fixed billing fee plus a percentage of the TPS's receivables), the utility bills the customer for the \$10, collects that amount, and remits it to the TPS, net of the fee.

Applying this distinction to the three approaches in the question results in the following. Utility consolidated billing, especially in its net crediting form, is superior to either dual

billing or TPS consolidated billing from the perspective of the solar provider because it achieves the same appropriate allocation of the rights to bill credits as dual billing while eliminating the need for the solar provider to bill and collect directly from the customers to whom the bill credits have been allocated.

There are notable secondary benefits to this approach as well, especially in the area of credit. In subscriber organization dual billing, the subscriber receives the benefit of the credits directly from the utility on his or her bill. If the customer doesn't pay the solar provider for the credits, the provider has few remedies other than traditional means of collection. This means that solar providers must carefully screen potential subscribers for their ability to pay and also collect and verify a payment method, limiting the overall pool of possible subscribers and tilting the playing field away from low- and moderate-income subscribers.

The net crediting approach to utility consolidated billing provides benefits to the utility as well by greatly expanding the number of its customers who subscribe to community solar projects. The credits these subscribers become eligible for lowers their utility bill, making it more likely that they will pay their delivery and commodity charges in full.¹

For these reasons, utility consolidated billing is, in general, superior to dual billing for both community solar providers and subscribers.

In contrast, TPS consolidated billing, in some circumstances, may offer some advantages over dual billing but offers no advantages over utility consolidated billing except in the scenario where the TPS has already committed to TPS consolidated billing for both its own commodity charges and the utility's delivery charges and the TPS wishes to offer its own community solar option as well. However, while Ampion sees the advantages of TPS consolidated billing from the TPS perspective, we see the implementation of a net crediting approach to utility consolidated billing, which every community solar could take advantage of, as a much higher priority than TPS consolidated billing, at least in the context of the community solar discussion. If the goal is to accelerate the development of community solar resources in New Jersey, the Board should make utility consolidated billing a high priority, even if there are valid, even compelling, policy justifications for implementing TSP consolidated billing at some point.

Question 2: Do you recommend implementation of some form of consolidated billing for community solar projects? If so, do you recommend Utility Consolidated Billing, or third party provision of consolidated billing for community solar subscriber fees (Subscriber Organization Consolidated Billing)? Please consider this question from the perspective of billing

¹ The positive impact community solar has on the utility comes into play in a much larger way in the discussion, below, regarding the consequences, if any, of subscriber non-payment of the utility bill.

implementation and administration, community solar project financing, and subscriber (customer) protection.

Response:

As discussed above, Ampion strongly supports the development of consolidated billing for community solar, and all of the factors cited favor utility consolidated billing (UCB) more so than subscriber organization consolidated billing (SOCB). This is especially the case if the Board adopts the net crediting approach adopted by the New York Public Service Commission.

- Billing implementation and administration are more straightforward with UCB compared to SOCB. As noted above, the utility already has the obligation to reflect bill credits on a subscriber's bill, and the net crediting approach adds only one extra element to the transaction, namely the recognition that the subscriber is paying the subscriber organization for the credit. Under SOCB, however, as we understand that term to be used, the utility's charges would need to be presented and collected by the subscriber organization. This would require a great deal of operational and financial heavy lifting compared to net crediting.
- As noted above, UCB, especially in its net crediting form, greatly expands the pool of potential subscribers for a project, which would have a strongly positive impact on a project's ability to attract financing.
- Where the utility retains the billing relationship, consumer protection is more straightforward as well as a result of the highly regulated nature of utility billing and collections operations.

Question 3: Please describe in detail how your proposed method of consolidated billing would work and the benefits you believe would be achieved by the use of consolidated billing for community solar. If you are or represent a community solar developer or subscriber organization, please speak specifically to your experience. Please address all related issues, including the following:

- Would the bill be sent by the utility (Utility Consolidated Billing) or the subscriber organization (Subscriber Organization Consolidated Billing)?
- How would your proposal address customer nonpayment of bills, partial payment of bills, and late payment of bills? In cases of partial payment of bills, which portion of the bill should the payment be allocated towards?
- Should customers be dropped from consolidated billing for late payments?
- Discuss any purchase of receivables issues.
- Discuss any issues relating to consumer credit.
- Should there be a fee using consolidated billing and, if yes, what should it be?
- Discuss any consumer protection implications of utilizing consolidated billing for community solar, including data privacy and data protection.

- How would customer specific data be exchanged? Alternatively, please address why you and/or your organization prefer dual billing.

Response:

New York is the first state to implement UCB for community solar and, as discussed above, Ampion strongly supports the net crediting approach adopted by the New York Commission. Because New York is in the midst of implementing net crediting, it is difficult at this point to draw firm conclusions with respect to some aspects of the process, though the advantages of net crediting versus dual billing are clear, as discussed in detail above. That being said, the process in New York to date and Ampion's experience elsewhere allows us to make the following observations on the issues listed above.

- Ampion prefers UCB over SOCB.
- Under net crediting, there is no "allocation" of customer payments. The customer is not paying the utility for his or her credits. To the contrary, the net credits reduce the customer's overall bill, making it more likely that the customer will pay the bill in full. The only charges the customer is paying for are the electricity commodity charges (whether from the utility or a TPS) and the utility's delivery charges.
- A customer should not be dropped to dual billing for nonpayment, as is currently the case for utility consolidated billing, with purchase of receivables, for TPS charges. As noted above, the customer is not paying the utility directly for community solar bill credits and none of the charges that appear on the customer's bill are for community solar bill credits. When a utility customer who is also a community solar subscriber doesn't pay, he or she would be subject to the same remedies that are available today to the utility with respect to customers who are not community solar subscribers. Dropping the community solar customer to dual billing does nothing to improve the utility's cash flow but it would severely reduce the advantages of net crediting in the area of improving the ability of solar projects to obtain financing, as the residual credit risk would, once again, require subscriber organizations to apply a rigorous credit screen to the pool of potential subscribers.
- As described in the New York Commission's order on consolidated billing for community solar, with net crediting the utility does not purchase the community solar provider's receivables. The utility satisfies its obligation to provide bill credits that are created by the production from a solar facility by allocating a portion of the value of those credits to the end-use customer (in an amount equal to the full value of the credits minus what the subscriber agreed to pay the solar provider for them) and the remainder to the solar provider, minus a fee. In this

scenario there is no purchase of receivables as there is in the current system of UCB for TPS charges.

- New York-style net crediting eliminates any issues related to consumer credit. As noted above, the customer's community solar subscription reduces his or her overall payment obligation to the utility and, thus, should have either no impact or a positive impact on the customer's credit profile vis a vis the utility.
- Because the implementation of net crediting in New York is still underway, the question of whether the utility should charge a fee for it and, if so, what the basis of the fee would be is an open one for now. It may be the case that the utility will incur programming expenses for building out the functionality required to do net crediting, but it is not at all clear that providing net crediting exposes the utility to the kind of credit risk that justifies the application of a discount similar to that applied to TPS receivables in the POR program. This question deserves further discussion in the context of subsequent stakeholder meetings.
- Protecting customer data and maintaining data privacy is a top priority for Ampion and others in the community solar value chain. One advantage of UCB, especially in its net crediting incarnation, is that it retains the data protections currently embedded in the utility systems with respect to customer billing and collections. Moreover, the additional information that might need to be exchanged between the utility and the community solar provider (e.g., the discount that is applied to the value of the credits allocated to the subscriber in calculating the amount to be remitted to the community solar provider) can be exchanged in a manner that protects both the privacy of the data and the integrity of the utility's system, as has been the case with data exchange between utilities and ESCOs in New York that make use of UCB with purchase of receivables.
- The optimal method for data exchange should remain open subject to further discussions among stakeholders. EDI would likely be sufficient but other alternatives may prove to be superior.

Question 4: If you are or represent a community solar developer or subscriber organization, please describe in detail the terms of the agreement between the subscriber and the subscriber organization. In particular, please explain the following:

- What are the fees and contract terms for subscribers?
- Are the fees and contract terms consistent among all subscribers? Does it differ by customer class?
- Do subscriber organizations intend to offer guaranteed savings to the subscriber?
- Do subscriber fees vary each month?

Response:

Ampion generally considers its form of subscriber agreement to be proprietary and would prefer not to publish the entire agreement in a public forum. That concern notwithstanding, we are happy to provide the following overview of the terms included in a typical subscriber agreement.

- Regarding fees and contract terms, our typical agreement calls for credits to be sold to the subscriber at 90 percent of the value of the credits. Standard contract terms include the following:
 - High-level description of the state’s community shared solar program and the nature of the bill credits that are the subject of the agreement;
 - Amount of and process for allocation of bill credits;
 - Payment for bill credits;
 - Dispute resolution;
 - Term and termination provisions;
 - Events of default;
 - Assignment;
 - Force majeure;
 - Limitation of damages; and
 - Notice provisions
- Fees and terms are usually, but not always, the same among subscribers, and can vary by rate class.
- Ampion cannot speak for other subscriber organizations, but our value proposition to subscribers is that the credits they acquire through us will be worth more than the subscriber pays, thus guaranteeing savings on a net basis after the subscriber pays for the credits and they are applied to the subscriber’s utility bill.
- The unit price of the credits is fixed by the subscriber agreement (TRUE?) but the amount the customer pays each month will vary based on the amount of electricity produced by the renewable facility from which the subscriber has been allocated a percentage of the credits produced.

Question 5: Do any subscriber organizations currently use consolidated billing for community solar subscriber fees in other jurisdictions? If so, please identify the jurisdictions and explain the design of the billing framework, being sure to address the issues identified in Question 2 and 3 above.

Response:

As noted above, New York is in the process of implementing utility consolidated billing in the form of net crediting. All of the relevant design features of that approach to utility consolidated billing can be found in the relevant documents in that docket, which is New York PSC Case No. 19-M-0463. The New York Commission’s

December 19, 2019 Order Regarding Consolidated Billing for Community Distributed Generation and the various utility net crediting manuals filed in compliance with that Order are particularly instructive.

Question 6: Are subscriber organizations paying an administrative fee to EDCs for the use of consolidated billing of subscriber fees in other jurisdictions? If so, how is it structured? If not, how does the EDC recover those costs? Please provide your recommended method of cost recovery.

Response:

The New York net crediting program anticipates the payment of a “Utility Administrative Fee,” which is defined in Niagara Mohawk’s net crediting manual as “the amount of the monthly value of the CDG Project’s Value Stack Credits that the Company will retain, as approved by the Commission. The current Utility Administrative Fee is 1.0%.”

Question 7: Should consolidated billing of community solar subscriber fees only be available to projects that provide a guaranteed monthly savings to subscribers? If not, would the provider of consolidated billing be expected to charge subscribers for their community solar participation resulting in an amount due greater than the amount due for electric service? Should this result be permitted for low- to moderate-income (LMI) customers?

Response:

The application of utility consolidated billing to community solar providers that do not ensure that customers pay less for their credits than the value of those credits on their utility bill (thus providing guaranteed savings) would create a variety of complications best avoided at this point in the development of the market. Thus, the New York Commission required guaranteed savings in its Order addressing consolidated billing for community solar:

As compared to the more traditional consolidated billing used for ESCOs, where the ESCO identifies a charge for the utility to put on the customer’s bill and the utility collects that charge on behalf of the ESCO, the net crediting model avoids putting the utility in the position of collecting a higher charge than it would have applied to the customer by guaranteeing savings to the customer. Therefore, it can be assumed that any partial payment or nonpayment would have happened even in the absence of the customer’s CDG membership and there is no risk that the amount of uncollectibles or the utility’s exposure will increase.²

² New York Public Service Commission Case. No. 19-M-0463, December 19, 2019 Order Regarding Consolidated Billing for Community Distributed Generation, at 13 (footnote omitted).

Question 8: Please provide comments on the following framework for utility consolidated billing of subscriber fees, which is currently being implemented in New York:

- a. Utility consolidated billing of subscriber fees is optional for community solar projects. If a project chooses utility consolidated billing of subscriber fees, all subscribers enrolled in that project are billed via utility consolidated billing (with the exception of one anchor subscriber per project).
- b. In order to participate in utility consolidated billing, all subscribers enrolled in the project must receive a percentage of their original community solar credit on their bills each month. Currently, this minimum percentage is five percent (5%) in New York.
- c. The subscriber fee is a percentage of the subscriber's original community solar credit each month. The dollar amount of the subscriber fee varies each month based upon the underlying community solar credit.
 - o Example: The subscriber fee is 90% of a customer's community solar credit. On the monthly bill, the customer receives 10% of their credit. The remaining 90% of the credit is remitted by the EDC to the subscriber organization less the administrative fee retained by the EDC.
- d. At least 60 days prior to operating under a consolidated billing framework, the community solar project owner must provide the EDC with the percentage of the subscriber community solar credits that is available to be applied to the subscribers' bills.
- e. The same percentage must be applied to all subscribers for the same project (with the exception of an anchor subscriber, if applicable, that will receive its entire community solar credit on its utility bill and is billed by the community solar project owner for subscription fees). The percentage can change no more frequently than every six (6) months.
- f. Subscriber organizations must agree to use the EDC's communication tool for sharing subscriber percentage information.
- g. The EDC retains a portion of the subscriber fee to compensate for their implementation and administrative costs associated with utility consolidated billing. This results in the Subscriber Fee percentage in item "c" above being reduced.
- h. The EDC receives timely recovery of subscriber credits through a surcharge or similar mechanism.

Response:

As noted above in response to Questions 1, 2, and 3, Ampion strongly supports the net crediting model adopted by the New York Commission, which is described above. Regarding (e), above, we do believe that subscriber organizations should be given the flexibility to have different percentages for different subscribers. There is no clear benefit at this point in the development of the community solar industry to this constraint.

Question 9: If you disagree with any portion of the framework in Question 8, please describe in detail the framework you would support (or refer to your response to Question 3, as relevant). Include specific examples from other jurisdictions, if possible.

Response:

Please see responses to Question 1, 2, 3, and 8, above. In addition, we note that there is a concern with the manner in which the New York utilities propose to apply bill credits when using net crediting. This concern, and a proposed solution for it, is described in detail in a petition filed with the New York Commission by the Coalition for Community Solar Access on December 9, 2020.³ That matter is pending before the Commission. This is an issue that we believe should continue to be addressed in the context of ongoing stakeholder meetings, during which any further developments on the subject in New York can be taken into account.

Question 10: In the case of Utility Consolidated Billing, if you are a community solar subscription organization, should you opt to participate in Utility Consolidated Billing would you maintain backup billing procedures to bill customers who fail to pay the EDC for their community solar subscription? What other options would you suggest to address the risk of non-payment by customers?

Response:

As noted by the New York Commission, when the net crediting approach is adopted the risk of non-payment of the utility’s charges is not increased. If anything, that risk is decreased. Thus, under net crediting there is no scenario in which a customer “fails to pay the EDC for their community solar subscription.” The customer’s community solar subscription reduces the total amount the customer owes to the utility. The only charges the customer pays are the commodity charges owned to the utility or a third-party supplier and the utility’s own delivery charges. For those reasons, community solar subscription organizations need not maintain “backup billing procedures to bill customers who fail to pay the EDC for their community solar subscription.” While some community solar subscription organizations might retain such a billing capability, requiring them to do so would reduce the overall positive effect of adopting utility consolidated billing (at least in the form of net crediting), with no corresponding benefit.

Question 11: What are the potential challenges to implement consolidated billing for community solar? How can these challenges be addressed?

³ Petition of the Coalition for Community Solar Access Regarding Net Crediting Billing, Case 19-M-0463, filed December 9, 2020.

Response:

The challenges to implementing consolidated billing for community solar are those that are endemic to any such change to a complex system that attempts to balance the interests of multiple stakeholders while doing so at a reasonable cost to those who will pay for such changes. Ampion is confident, however, that implementing consolidated billing for community solar can be achieved much more quickly and efficiently than the implementation of consolidated billing for TPS commodity charges many years ago because of the tremendous amount of experience the utilities and other stakeholders have gained through the presence of that system over the years. Moreover, the ongoing implementation of net crediting in New York provides an excellent template for such an effort in New Jersey. This is especially the case given that one New Jersey utility, Rockland Electric, is a subsidiary of a New York utility, Orange and Rockland, that is in the process of implementing net crediting.

Question 12: If Utility Consolidated Billing were available, how would subscriber billing inquiries be handled? Would subscriber inquiries regarding subscriber fees and/or community solar credits be handled by the subscribing entity or the developer, or would the utility be required to take on that role?

Response:

Customer care is an issue that requires further consideration and stakeholder input. Ampion's view at this time, which is not definitive, is that requiring community solar subscription organizations to continue to answer questions that relate to the customer's solar subscription would benefit the most parties, including the utility, which would otherwise have to train its customer care representatives with respect to the community solar programs of every subscription organization making use of utility consolidated billing. Fully enabling subscription organizations to serve this function will require the sharing of certain customer-level information with them, which would be appropriate in any event given the need of subscription organizations to maintain clear sight into how credits are being allocated among subscribers and whether any of their subscribers are falling in arrears to the utility to an extent that could result in termination, which would affect the subscriber's ability to fulfill the terms of its subscriber agreement.

Question 13: If Utility Consolidated Billing were available, how would subscriber billing information be provided to the utility?

Response:

As noted above, the optimal method of information exchange between community solar subscription organizations and the utility should be the subject of further discussion among stakeholders.

Thank you for the opportunity to provide comments on these important questions.

Respectfully submitted this 9th day of April, 2021.

/s/ Chris Kallaher

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**City of Hoboken Comments Regarding Docket No. QO18060646,
Community Solar Consolidated Billing of Subscriber Fees**

Dear Secretary Camacho-Welch:

Thank you for this opportunity to provide input on the Community Solar Consolidated Billing stakeholder process. Hoboken is committed to addressing environmental justice through innovative sustainability efforts such as Community Solar. As an urban coastal city, Hoboken is particularly vulnerable to the effects of climate change, which continues to threaten the quality of life for Hoboken residents. Sadly, low-income communities and communities in urban areas often bear the brunt of pollution and the impacts of climate change. The City of Hoboken has a responsibility to its residents to counteract imminent threats to the environment by taking an advocacy role in supporting clean energy development, especially regarding the Community Solar Pilot Program.

Please accept the following comments on Community Solar Consolidated Billing of Subscriber Fees, *Docket No. QO18060646*. We provide these comments in response to the Notice of Request for Comments issued by BPU on March 11, 2021.

Firstly, to provide the clarification requested by Jackie Galka, NJBPU Division of Energy, at the March 25, 2021 Stakeholder Meeting Webinar:

1. The use of the term “BGS-Style Consolidated Billing” during verbal comments was not intended to imply that there is any type of purchase of receivables by the utility from a BGS Supplier; rather, it was intended as abbreviated language for the payment protocol employed when a customer is receiving Basic Generation Service, whereby the payment by the EDC to the BGS Supplier(s) is completely separate from, and is not dependent upon, payment by the retail customer for BGS service. Using this same protocol for Community Solar, the EDC would provide payment to the solar provider on a full (i.e. no deductions, payments, or offsets) and timely (i.e. monthly) basis, regardless of the customer payment status. We apologize for any confusion caused by phraseology.
2. It would be appropriate and acceptable that, in “exchange” for the security of the BGS-style Consolidated Billing described in the above answer, the community solar project must guarantee savings to their subscribers.

The following comments pertain to Question 2 of the Notice of Request for Comments issued by BPU:

- We recommend implementation of consolidated billing for community solar projects because receiving two separate bills makes it difficult and confusing for a customer to identify the savings under a community solar program. Because the bills will be received at different times, with different terms, customers will find it difficult to calculate their bill savings; and program sign-up and expansion will suffer. This should be an available option as soon as possible, and at the same time, if a community solar provider wishes to offer separate billing it should have the option of doing so.
- Relying on customers to make payment on their new, second bill from the community solar provider imposes significant collection and credit risk on community solar providers. LMI customers are frequently prone to significant delays on payment since they usually must prioritize which bills to pay. Accordingly, the LMI resident is likely to be in arrears on their bills. These late and delinquent payment patterns will make financing and cash flow very difficult for community solar providers to serve LMI customers. This, in turn, will seriously hurt the financing, development, and success of community solar for LMI customers. Higher risk translates into higher project costs which means less LMI customer enrollment and reduced savings for LMI customers.
- Specifically, we advocate for the “Utility Consolidated Billing”, and importantly, we further advocate to use features of the BGS billing model for Community Solar Consolidated Billing. The BGS Program (the electric service provided to customers who do not shop for power supply in New Jersey’s deregulated market) includes a consolidated billing mechanism with all charges on the utility bill. BGS providers have their charges collected directly on the utility bill, and – importantly – the utility makes regular payment to BGS providers on a monthly basis, regardless of whether or when customers pay their bills. This system should be the inspiration for Community Solar Consolidated Billing.
- Third-Party Supplier (TPS) consolidated billing method is problematic because customers in arrears can be removed from consolidated billing. This de-incentivizes community solar providers from subscribing LMI households because of the likelihood of being behind on their bills. This likelihood has increased as a result of the COVID-19 pandemic as more households struggle to pay their utility bills. We recommend a billing approach that mirrors Basic Generation Service or BGS billing so that the utility is not allowed to remove a customer from consolidated billing, no matter their economic situation. EDCs may still engage in its normal service termination process, subject to the consumer protections in the BPU’s rules.
- BGS-style billing has been used successfully for over 20 years. For community solar to achieve our social justice goals, and for Hoboken to achieve its climate action goals, we should not exclude LMI customers from this same approach of consolidated billing. Using BGS as a model for billing will lead to more LMI customer participation at a lower cost because community solar developers will have stable revenue and be incented to serve them. Without it, community solar providers will increase rates to LMI customers and will receive a financial signal to minimize, rather than pursue, enrollment of individually billed LMI customers. The costs of this approach should be recoverable by the EDCs from its ratepayers, as is the case for its other clean energy and consumer collectible support functions.

We urge the BPU to take a national leadership position in using community solar to advance environmental justice by requiring the EDCs to use the same consolidated billing method that is already used for BGS, for at least all LMI customers, and ideally for all customers. Thank you for your time and consideration.

Sincerely,

Jennifer Gonzalez
Director of Environmental Services / Chief Sustainability Officer

Sabit Nasir
Environmental Planner



VIA E-MAIL

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Evergreen Energy Solutions
Comments Regarding Docket No. QO18060646,
Community Solar Consolidated Billing of Subscriber Fees

Dear Secretary Camacho-Welch:

Evergreen Energy Solutions (Evergreen) appreciates the opportunity to file these comments in response to the Notice of March 11, 2021, issued by the Board of Public Utilities (BPU). Evergreen Energy Solutions is a developer of community solar projects headquartered in Lakewood, New Jersey. A critical part of Evergreen's mission is to expand the benefits of solar to low and moderate income (LMI) customers. Please accept the following comments on Community Solar Consolidated Billing of Subscriber Fees, Docket No. QO18060646.

Summary

Before responding to the specific questions provided in the Notice, there are several critical issues that should be recognized by the BPU as it considers and develops new billing protocols in support of its Community Solar Program:

- The billing protocol should be specifically designed to advance the efforts of the BPU and the Murphy Administration to support environmental justice and expand the availability of low-cost solar energy to low and moderate income (LMI) customers in New Jersey. This goal should be a foundational principle in this matter.
- To this end, the BPU should adopt the valuable and proven protocol that it has already utilized for over twenty years to support its successful Basic Generation Service (BGS) program in New Jersey. The BGS program has a key protocol for customer billing and provider payment: BGS provider charges are collected from customers on the EDC's bills and the providers are paid by EDCs on a regular monthly basis, regardless of whether the customer payment is timely. This approach has led to continuous service to BGS customers and lower customer rates since providers do not need to include risk premiums in their rates to customers to reflect late or no payments. This protocol can and should be adopted for Community Solar Consolidated Billing (especially for LMI customers) as soon as possible.
- It should be noted that adoption of the BGS protocol for Community Solar would not be a "subsidy" of Community Solar customers - it is merely equal treatment with the manner in which BGS customers are already served (as most LMI customers are on BGS service). The BPU's efforts to support LMI participation

will be significantly derailed if it does not step up to address this key payment and revenue issue in a manner that will incent solar providers to serve LMI customers, support the financing of LMI projects, reduce solar rates to LMI customers, and expand LMI participation in New Jersey.

The above approach can position the BPU to be a national leader in community solar for LMI customers.

Responses To The Questions Posed At The March 25 Stakeholder Meeting

There were two questions posed to Evergreen by Jackie Galka, BPU Division of Energy, at the March 25, 2021, Stakeholder Meeting Webinar. The following responses are provided to these questions:

- a) The use of the term “BGS-Style Consolidated Billing” during verbal comments was not intended to imply that there is any type of purchase of receivables by the utility from a BGS Supplier; rather, it was intended as abbreviated language for the payment protocol employed when a customer is receiving Basic Generation Service, whereby the payment by the EDC to the BGS Supplier(s) is completely separate from, and is not dependent upon, payment by the retail customer for BGS service. Using this same protocol for Community Solar, the EDC would provide payment to the solar provider on a full (i.e., no deductions, payments, or offsets) and timely (i.e., monthly) basis, regardless of customer payment status. We apologize for any confusion caused by phraseology. Moreover, Evergreen notes other parallels between Community Solar and BGS service in several locations in our comments, recommends the deployment of additional key BGS protocols including payment protocols, the BGS customer drop process, and utility cost recovery mechanisms.
- b) It is appropriate and acceptable that, in “exchange” for the security of the BGS-style Consolidated Billing described in paragraph a), that the community solar project should guarantee savings to their subscribers.

Responses To The Questions Posed In The Hearing Notice

Evergreen Energy Solutions provides the following responses to the specific questions provided in the March 11, 2021 Notice of Request for Comments on Community Solar Consolidated Billing of Subscriber Fees, Docket No. QO18060646., in line with our overarching comments presented above.

Question 1: In New Jersey, customers who purchase their electricity supply from a Third Party Supplier (TPS) are typically billed by their EDC. Known as Utility Consolidated Billing, the customer receives a single bill that includes supply charges and related taxes from its TPS and delivery charges and related taxes and charges from its utility. Occasionally, in NJ and in other jurisdictions, dual billing is employed where a customer receives a bill from the customer’s utility company that includes only the utility’s charges and a separate bill from the customer’s TPS that includes only the TPS charges. In other jurisdictions, the TPS sends the utility bill to the customer, which contains all of the utility’s relevant charges. This billing methodology is sometimes called TPS Consolidated Billing. What lessons can be drawn from consolidated billing for TPS customers with respect to its potential application to community solar? What are the advantages or disadvantages of Utility Consolidated Billing, TPS Consolidated Billing and dual billing as they apply to community solar?

While Evergreen appreciates that the TPS protocol has been raised for consideration, we believe that its use in community solar would be counterproductive to achievement of the BPU's policy goals.

The community solar program has been implemented for solar suppliers to supply renewable power to end customers and effectuate a bill credit for all participating consumers. This activity occurs independently of whether or not a customer chooses a TPS, and a customer can participate in CS irrespective of whether they take their power supply from TPS or BGS service. Evergreen believes that adopting the BGS payment mechanism for community solar can be highly effective in helping to expand community solar especially, for LMI customers.

As explained in our opening comments, Evergreen recommends that the BPU should deploy key BGS protocols to be used in community solar billing methodologies. In BGS service, the BGS supplier is paid (on a monthly basis) once the supply is served, irrespective of end customer's payment practices. In the case of CS customers, all customers, including LMI customers, would continue to be served and the supplier would continue to be paid whether or not the customer pays their bill. Without having to take on the credit risk of customer nonpayment, there will be significantly more interest from market participants to supply solar energy to LMI customers. Rather than serving LMI customers merely to meet the BPU's requirement, solar developers will instead be incented to seek out and enroll LMI customers. Moreover, the rates charged to customers under this protocol will be lower since solar providers will not have to embed significant risk premiums in their rates to cushion them from this credit and payment risk.

Under the TPS billing model a customer would be dropped for nonpayment or have to be converted to dual billing. Adoption of the TPS drop procedures would be unreasonable as it will thwart the BPU's efforts to develop a vibrant community solar marketplace in New Jersey, especially for LMI customers. Dropping a customer in 120 days (as happens in a TPS program) will not improve any customer's ability to save money, and instead will detract from a program goal to enable LMI customers to save money. If the customer is dropped from consolidated billing per the TPS protocols, the LMI customer would lose the benefit of participation in the community solar program and the EDC would still have an open collections issue. This restriction would lead to substantial and continuous dropping of customers and would severely handicap cash flow, and increase rates charged to these customers.

Instead, Evergreen proposes that a customer be dropped from the CS program only if customer a) chooses to opt out, b) has service shut off by the utility, or c) closes its account, as is the case for BGS service.

Additionally, as Rockland Electric explained to attendees at the BPU's March 25, 2021 meeting, in the New York Community Solar program customers would not be moved to dual bill upon nonpayment. Evergreen notes that this element of the New York approach, if also followed in New Jersey, would better serve the state's LMI community and better incent participation from solar suppliers who intend to serve LMI customers in this growing market.

Evergreen Energy Solutions also recommends that the EDCs retain the ability to recover uncollectables for community solar in the same manner as they currently recover BGS uncollectibles, through already existing rate recovery provisions.

Question 2: Do you recommend implementation of some form of consolidated billing for community solar projects? If so, do you recommend Utility Consolidated Billing, or third party provision of consolidated billing for community solar subscriber fees (Subscriber Organization

Consolidated Billing)? Please consider this question from the perspective of billing implementation and administration, community solar project financing, and subscriber (customer) protection.

Utility Consolidated billing for community solar projects is essential to the success of this program, especially for LMI customers. Dual billing is confusing to customers and in some cases presents a roadblock for participation in community solar programs. In contrast, consolidated billing, and in particular, utility consolidated billing, creates a seamless experience for participating customers. There is less confusion and less potential for complaints if a customer gets only one bill and sees all charges in one place on their existing utility bill. It will be significantly easier for customers to see the benefits from participation, as opposed to comparing two bills which may have different billing time frames. On a consolidated bill the benefits will be clear. Additionally, consolidated billing removes a barrier for all customers, and especially LMI customers - the need to supply a valid credit card or other payment method for the second bill. Additionally, in conjunction with the BGS-style payment protocol discussed above, the utility consolidated bill protocols will address credit/collections risk for Community Solar providers, particularly for serving the LMI market segment, making that market more attractive and viable.

In summary, utility consolidated billing will eliminate multiple bills, streamline the billing, payment, and collections processes associated with a Community Solar project and is a significant determiner to the success of the Community Solar Pilot Program, especially for LMI participants. Customers are used to receiving one bill and the streamlined payment and collections procedures will incent more generator participation to supply market participants.

Question 3: Please describe in detail how your proposed method of consolidated billing would work and the benefits you believe would be achieved by the use of consolidated billing for community solar. If you are or represent a community solar developer or subscriber organization, please speak specifically to your experience. Please address all related issues, including the following: • Would the bill be sent by the utility (Utility Consolidated Billing) or the subscriber organization (Subscriber Organization Consolidated Billing)? • How would your proposal address customer nonpayment of bills, partial payment of bills, and late payment of bills? In cases of partial payment of bills, which portion of the bill should the payment be allocated towards? • Should customers be dropped from consolidated billing for late payments? • Discuss any purchase of receivables issues. • Discuss any issues relating to consumer credit. • Should there be a fee using consolidated billing and, if yes, what should it be? • Discuss any consumer protection implications of utilizing consolidated billing for community solar, including data privacy and data protection. • How would customer specific data be exchanged? Alternatively, please address why you and/or your organization prefer dual billing.

As Evergreen discussed in the prior answer, utility consolidated billing is the preferred approach and the best structure for all customers, in particular for LMI customers. The utility would send their regular monthly bill and incorporate the solar provider's service / subscription fee into the bill charges.

Customer nonpayment would be addressed exactly the same as if customers were on BGS supply whereby the customer is dropped only for nonpayment (shut off) account closure, moving, or program opt out. Should this occur, subscription organizations will notify the utility of replacement LMI eligible participants.

In accordance with BGS practices, it is recommended that community solar providers should be paid monthly consistent with the terms of section 9.1 of the BGS-RSCP Supplier Master Agreement. Community Solar suppliers would be paid "...on the first Business Day after the 19th day of each calendar month...", regardless of customer payment.

LMI participants and Community Solar providers should not be required to pay a fee for consolidated billing. EDCs should be allowed the ability to recover any costs incurred, through existing cost recovery mechanisms.

It is recommended that data privacy rules should remain consistent with existing solar, BGS, and TPS programs.

Evergreen Energy Solutions recognizes the longer term benefits of EDI to all parties, especially once there are a large number of customers and solar developers participating in the marketplace. However, if EDI deployment is required for a pilot, the cost of market entry could be cost prohibitive on a cost per customer basis. Evergreen recommends that EDI data transfer be optional during the pilot program and that data transfer by email / spreadsheet be allowed for subscriber organizations during the pilot phases of the Community Solar program.

Question 4: If you are or represent a community solar developer or subscriber organization, please describe in detail the terms of the agreement between the subscriber and the subscriber organization. In particular, please explain the following: • What are the fees and contract terms for subscribers? • Are the fees and contract terms consistent among all subscribers? Does it differ by customer class? • Do subscriber organizations intend to offer guaranteed savings to the subscriber? • Do subscriber fees vary each month?

Evergreen Energy Solutions is focused on serving LMI customers. Savings are guaranteed. Fees and contract terms remain consistent across customer classes and do not vary monthly, and customers may exit at any time.

Question 5: Do any subscriber organizations currently use consolidated billing for community solar subscriber fees in other jurisdictions? If so, please identify the jurisdictions and explain the design of the billing framework, being sure to address the issues identified in Question 2 and 3 above.

Evergreen Energy Solutions strongly recommends utility consolidated billing for New Jersey Community Solar Programs and believes the deployment will place New Jersey in a leadership position, leapfrogging other states' efforts, especially with respect to expanding benefits to LMI customers.

Question 6: Are subscriber organizations paying an administrative fee to EDCs for the use of consolidated billing of subscriber fees in other jurisdictions? If so, how is it structured? If not, how does the EDC recover those costs? Please provide your recommended method of cost recovery.

Evergreen Energy Solutions supports EDC recovery of their costs using the recovery mechanisms that are currently in place for BGS related costs. As with other BPU initiatives related to renewable energy programs, and support for

recovery of uncollectible, the BPU has implemented cost recovery mechanisms that have non-bypassable charges that provide for cost recovery across all customer classes.

Question 7: Should consolidated billing of community solar subscriber fees only be available to projects that provide a guaranteed monthly savings to subscribers? If not, would the provider of consolidated billing be expected to charge subscribers for their community solar participation resulting in an amount due greater than the amount due for electric service? Should this result be permitted for low- to moderate-income (LMI) customers?

Evergreen Energy Solutions guarantees a minimum level of savings in their projects. We agree that projects should guarantee a minimum level of savings to Community Solar program participants. Evergreen does not believe that solar suppliers or subscription organizations should be charged a fee for use of the utility billing services, rather we support EDC recovery of their costs using the recovery mechanisms that are currently in place for BGS related billing costs and other renewable and social programs authorized by the BPU.

Question 8: Please provide comments on the following framework for utility consolidated billing of subscriber fees, which is currently being implemented in New York: a. Utility consolidated billing of subscriber fees is optional for community solar projects. If a project chooses utility consolidated billing of subscriber fees, all subscribers enrolled in that project are billed via utility consolidated billing (with the exception of one anchor subscriber per project). b. In order to participate in utility consolidated billing, all subscribers enrolled in the project must receive a percentage of their original community solar credit on their bills each month. Currently, this minimum percentage is five percent (5%) in New York. c. The subscriber fee is a percentage of the subscriber's original community solar credit each month. The dollar amount of the subscriber fee varies each month based upon the underlying community solar credit. o Example: The subscriber fee is 90% of a customer's community solar credit. On the monthly bill, the customer receives 10% of their credit. The remaining 90% of the credit is remitted by the EDC to the subscriber organization less the administrative fee retained by the EDC. d. At least 60 days prior to operating under a consolidated billing framework, the community solar project owner must provide the EDC with the percentage of the subscriber community solar credits that is available to be applied to the subscribers' bills. e. The same percentage must be applied to all subscribers for the same project (with the exception of an anchor subscriber, if applicable, that will receive its entire community solar credit on its utility bill and is billed by the community solar project owner for subscription fees). The percentage can change no more frequently than every six (6) months. f. Subscriber organizations must agree to use the EDC's communication tool for sharing subscriber percentage information. g. The EDC retains a portion of the subscriber fee to compensate for their implementation and administrative costs associated with utility consolidated billing. This results in the Subscriber Fee percentage in item "c" above being reduced. h. The EDC receives timely recovery of subscriber credits through a surcharge or similar mechanism.

While allowing for flexibility, Evergreen supports a program that guarantees savings to the customer, a key premise of NY's approach. This is a viable option for New Jersey. And as mentioned previously, Evergreen does not believe that solar providers or subscription organizations should be charged a fee for use of the billing services. Rather we support EDC recovery of their costs using the recovery mechanisms that are currently in place for BGS related costs and other BPU authorized social and clean energy programs.

Question 9: If you disagree with any portion of the framework in Question 8, please describe in detail the framework you would support (or refer to your response to Question 3, as relevant). Include specific examples from other jurisdictions, if possible.

While allowing for flexibility, Evergreen supports a program that guarantees savings to the customer, a key premise of NY's approach. This is a viable option for New Jersey. And as mentioned previously, Evergreen Energy does not believe that solar suppliers or subscription organizations should be charged a fee for use of the billing services. Rather we support EDC recovery of their costs using the recovery mechanisms that are currently in place for BGS related costs and other BPU authorized social and clean energy programs.

Question 10: In the case of Utility Consolidated Billing, if you are a community solar subscription organization, should you opt to participate in Utility Consolidated Billing would you maintain backup billing procedures to bill customers who fail to pay the EDC for their community solar subscription? What other options would you suggest to address the risk of non-payment by customers?

No; back-up billing would not be needed under the approach recommended by Evergreen, which – like the BGS program - is based on the EDC making payment to Community Solar providers regardless of customer payment. Additionally, Evergreen does not support the TPS model where customers are converted to dual billing after 120 days for non-payment for reasons discussed above in Questions 1 and 3.

Question 11: What are the potential challenges to implement consolidated billing for community solar? How can these challenges be addressed?

As relayed previously in Question 3, while utility consolidated billing is a significant enabler to the success of the community solar programs, especially with LMI customer base, EDI implementation to convey billing data inputs has a significant initial cost which could potentially result in a cost prohibitive unit cost per customer for pilot program participation. While it is recognized that EDI would be required to achieve economies of scale in a more permanent program, given that EDI may present itself as a potential barrier to market entry on the part of those participating in a pilot program, Evergreen recommends that EDI implementations should not be mandatory for billing data transfer during the pilot program.

Question 12: If Utility Consolidated Billing were available, how would subscriber billing inquiries be handled? Would subscriber inquiries regarding subscriber fees and/or community solar credits be handled by the subscribing entity or the developer, or would the utility be required to take on that role?

Evergreen Energy Solutions believes that the Subscriber Organization should retain the customer inquiry process for all subscriber billing inquiries. And while the utilities may choose to answer basic customer questions on the program, the utilities should refer customers to the Subscriber Organization as well as the Community Solar vendor on specific solar energy related questions pertaining to their bill.

Question 13: If Utility Consolidated Billing were available, how would subscriber billing information be provided to the utility?

As discussed in the responses to questions 3 and 11, while EDI is a significant enabler to the success of the community solar programs and for achieving economies of scale, it is a potential cost barrier to market entry on the part of those participating in this pilot program. Accordingly, Evergreen Energy Solutions recommends that EDI should not be mandatory for the pilot program. It is recommended that billing related data transfer should occur by spreadsheet during this interim pilot period.

Thank you for this opportunity to provide input on the Community Solar Consolidated Billing stakeholder process. Please do not hesitate to contact us with any questions.

Sincerely,



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Comments regarding Docket No. QO18060646, Community Solar Consolidated
Billing of Subscriber Fees
Kim Wall, Hansen Technologies

Hansen Technologies appreciates the opportunity to provide comments in support of the implementation of Consolidated Billing of Subscriber Fees in New Jersey. Below we have provided comments on a select number of the questions as they relate to our participation in community solar.

Question 1: In New Jersey, customers who purchase their electricity supply from a Third Party Supplier (TPS) are typically billed by their EDC. Known as Utility Consolidated Billing, the customer receives a single bill that includes supply charges and related taxes from its TPS and delivery charges and related taxes and charges from its utility. Occasionally, in NJ and in other jurisdictions, dual billing is employed where a customer receives a bill from the customer's utility company that includes only the utility's charges and a separate bill from the customer's TPS that includes only the TPS charges. In other jurisdictions, the TPS sends the utility bill to the customer, which contains all of the utility's relevant charges. This billing methodology is sometimes called TPS Consolidated Billing.

What lessons can be drawn from consolidated billing for TPS customers with respect to its potential application to community solar? What are the advantages or disadvantages of Utility Consolidated Billing, TPS Consolidated Billing and dual billing as they apply to community solar?

Response:

- The most significant advantage to consolidated billing is simply that the customer has one less bill to pay. Under retail energy choice, utility consolidated billing is chosen most often, particularly for residential customers, though as the industry matures, TPS Consolidated Billing is gaining traction as it provides capabilities for different product offerings and company branding or messaging to be more customized.
- One disadvantage to utility consolidated billing that can be remedied by a well thought out design is the content and prominence of the information on the utility's bill. When determining what information might show on the Utility Consolidated Bill, consider not only the subscriber organization information, but the subscriber's lifetime savings and environmental impact such as a calculation of the reduction of carbon dioxide emissions that the solar asset provides.
- The issue with dual billing primarily focuses around the customer experience. In many cases the customer is receiving their community solar credits a month or two in arrears and then at the same time receiving a second invoice from the solar provider that may or may not match up with the credit that the customer's most recent utility invoice had. This causes confusion and, in many cases, will result in a customer cancelling their participation in the program due to these billing concerns.

Question 2: Do you recommend implementation of some form of consolidated billing for community solar projects? If so, do you recommend Utility Consolidated Billing, or third party provision of consolidated billing for community solar subscriber fees (Subscriber Organization Consolidated Billing)? Please consider this question from the perspective of billing implementation and administration, community solar project financing, and subscriber (customer) protection.

Response:

- Yes, we strongly recommend the implementation of at least utility consolidated billing with the possibility of subscriber organization consolidated billing to follow as the industry matures.
- Customers typically want to pay a single bill when it relates to their utility charges and may not feel the benefits of the solar program outweigh having to pay a separate subscriber organization bill.
- Particularly for LMI customers, having the bill come directly from the utility allows those charges to be considered for low income benefits (e.g., LIHEAP).

Question 3: Please describe in detail how your proposed method of consolidated billing would work and the benefits you believe would be achieved by the use of consolidated billing for community solar. If you are or represent a community solar developer or subscriber organization, please speak specifically to your experience. Please address all related issues, including the following:

- Would the bill be sent by the utility (Utility Consolidated Billing) or the subscriber organization (Subscriber Organization Consolidated Billing)?

Response: To expedite the implementation and benefits of the program, Utility Consolidated Billing should be implemented first, with a plan to allow for Subscriber Organization Consolidated Billing at a future date.

- How would your proposal address customer nonpayment of bills, partial payment of bills, and late payment of bills? In cases of partial payment of bills, which portion of the bill should the payment be allocated towards?

Response: Like retail choice, the utility should purchase the receivable of the subscriber organization. If the subscriber organization is providing a discount, the utility's charges are reduced and therefore overall bad debt is reduced.

- Should customers be dropped from consolidated billing for late payments?

Response: No, the utility would have the outstanding receivable regardless of whether the customer was a subscriber. Dropping the customer from consolidated billing for late payments would harm all parties as the utility's receivable would increase the following month if the customer no longer had a discount.

- Discuss any issues relating to consumer credit.

Response: To encourage LMI subscribers, consumer credit should not be considered for the subscriber organization. All parties benefit if a customer who is more likely to default due to their income level can participate.

- How would customer specific data be exchanged?

Response: Our preference would be to lead the industry in the development of a national data exchange standard. Today's environment, where each utility creates their own data exchange requirements and rules makes it more difficult to enter the market and successfully bill customers. EDI is a proven data exchange mechanism that led to the success of retail energy choice and can be easily implemented for the community solar processes.

Alternatively, please address why you and/or your organization prefer dual billing.

Response:

- Dual billing should remain an option at a subscriber level even after the implementation of consolidated billing. Some solar organizations may want to keep a dual bill process in place for their commercial customers or for programs that are already live.

Question 5: Do any subscriber organizations currently use consolidated billing for community solar subscriber fees in other jurisdictions? If so, please identify the jurisdictions and explain the design of the billing framework, being sure to address the issues identified in Question 2 and 3 above.

Response:

- Yes, New York currently allows what they refer to as the Net Crediting model where the utility calculates both the credit and the subscription charge and places both on the customer's bill.
- The utilities purchase the receivable of the subscriber organization at a discount initially set to 1%.

Question 10: In the case of Utility Consolidated Billing, if you are a community solar subscription organization, should you opt to participate in Utility Consolidated Billing would you maintain backup billing procedures to bill customers who fail to pay the EDC for their community solar subscription? What other options would you suggest to address the risk of non-payment by customers?

Response:

- Yes, like Retail Choice, many retail suppliers still track the utility consolidated invoices separately to ensure accuracy and answer customer questions. We would want to ensure that the data provided by the utility to the solar subscription organization was enough to provide a similar service of auditing and data capture. However, given that the utility benefits regardless whether the customer pays, the utility should purchase the receivables of the subscriber organization and this situation would not occur. Should purchase of receivables not be an option or not available based on the customer class (i.e., commercial/industrial) then, yes, backup billing procedures should be maintained by the TPS in the case of non-payment.

Question 11: What are the potential challenges to implement consolidated billing for community solar? How can these challenges be addressed?

Response:

- A significant challenge is lack of standardization of the information exchange between the subscriber organization and the utility. Utilities have their own rules and processes, not all of

which are explained well on their websites for subscriber organizations to ensure that they understand all the requirements. Hansen Technologies highly recommends an effort to standardize the data exchange using EDI, XML or another common format that can be adopted nationally. New Jersey was a leader in the implementation of data exchange standards for retail electric and gas choice over 20 years ago and should be the leader for this area of the industry as well. Hansen Technologies would fully participate in any effort to standardize the data exchange and would be willing to lead the effort.

Question 12: If Utility Consolidated Billing were available, how would subscriber billing inquiries be handled? Would subscriber inquiries regarding subscriber fees and/or community solar credits be handled by the subscribing entity or the developer, or would the utility be required to take on that role?

Response:

- Subscriber inquiries should be handled by the subscriber organization. It would be important to ensure the utility consolidated bill has all the information necessary for the customer to understand the benefit to the environment, their current and lifetime savings as well as the contact information for any questions related to their subscription.

Question 13: If Utility Consolidated Billing were available, how would subscriber billing information be provided to the utility?

Response:

- The common options are “Bill Ready” and “Rate Ready”.
 - “Bill Ready” is where the utility provides the customer usage (or calculated credit) information to the subscriber organization, who then sends charge lines to the utility to be placed on the utility’s bill. This option allows flexibility in the product offering, wording of the charge lines as well as any additional credits or options the subscriber organization may want to provide to the customer. For example, an annual \$10.00 bonus for continuing their subscription. Bill Ready is used today by New Jersey utilities in retail choice.
 - “Rate Ready” is where the subscriber organization provides a rate to the utility, in this case likely a percentage of the credit, and the utility uses that rate to calculate the subscriber fees.

Thank you for your consideration.

Sincerely,



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April 9, 2021

Aida Camacho-Welch, Esq.
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**Re: Borough of Highland Park Comments Regarding Docket No. QO18060646,
Community Solar Consolidated Billing of Subscriber Fees**

Dear Secretary Camacho-Welch:

Thank you for this opportunity to provide input on the Community Solar Consolidated Billing stakeholder process.

The Borough of Highland Park has a long standing history, commitment, and track record on sustainability issues, with a particular emphasis on energy projects. In 2007, we established one of the state's first Green Community Plans with the support of the New Jersey Sustainable State Institute. In 2013, we received the Silver Level of Sustainability from Sustainable New Jersey, where we set the standard for Sustainable Jersey's Residential Energy Efficiency action. In 2017, we were selected for Phase I and this year Phase II of the BPU's TCDER Microgrid Program. Accordingly, Highland Park has leadership-level experience, interest, and understanding of New Jersey's clean energy regulations; considering this, along with our duty to serve the best interests of our residents, we feel it is important that the Borough advocates strongly on this important issue.

Please accept the following comments on Community Solar Consolidated Billing of Subscriber Fees, *Docket No. QO18060646*. We provide these comments in response to the Notice of Request for Comments issued by BPU on March 11, 2021.

First, to provide the clarification requested by Jackie Galka, NJBPU Division of Energy, at the March 25, 2021 Stakeholder Meeting Webinar:

1. The use of the term "BGS-Style Consolidated Billing" during verbal comments was not intended to imply that there is any type of purchase of receivables by the utility from a BGS (Basic Generation Service) Supplier; rather, it was intended as abbreviated language

for the payment protocol employed when a customer is receiving Basic Generation Service, whereby the payment by the EDC (Electric Distribution Company) to the BGS Supplier(s) is completely separate from, and is not dependent upon, payment by the retail customer for BGS service. Using this same protocol for Community Solar, the EDC would provide payment to the solar provider on a full (i.e. no deductions, payments, or offsets) and timely (i.e. monthly) basis, regardless of the customer payment status. We apologize for any confusion caused by phraseology.

2. It would be appropriate and acceptable that, in “exchange” for the security of the BGS-style Consolidated Billing described in the above answer, the community solar project must guarantee savings to their subscribers.

The following comments pertain to Question 2 of the Notice of Request for Comments issued by BPU:

1. **Highland Park strongly recommends that “Utility Consolidated Billing” be made available as soon as possible, and importantly, we further advocate that the consolidated billing offering use features of BGS Consolidated Billing for Community Solar Consolidated billing.**
2. First, receiving two separate bills makes it difficult and confusing for a customer to identify the savings under a community solar program. Because the bills will be received at different times, with different terms, customers will find it difficult to calculate their bill savings; and program sign-up and expansion will suffer.
3. Second, relying on customers to make payment on their new, second bill from the community solar provider imposes significant collection and credit risk on community solar providers, which will hurt the BPU’s efforts to expand the benefits of solar energy to LMI customers. LMI customers are frequently prone to significant delays on payment since they usually must prioritize which bills to pay. Accordingly, the LMI resident is likely to be in arrears on their bills. These late and delinquent payment patterns will make financing and cash flow very difficult for community solar providers to serve LMI customers. This, in turn, will seriously hurt the financing, development, and success of community solar for LMI customers. Higher risk translates into higher project costs which means less LMI customer enrollment and reduced savings for LMI customers.
4. **TPS consolidated billing (a focus of the Notice) should NOT be used as a basis for Community Solar Consolidated Billing.** TPS (Third Party Supplier) Billing allows for the utility to drop a customer from consolidated billing if a customer is in arrearage for more than 120 days. The customer would then be placed back into the dual-billing system, which then creates all the problems detailed above. Due to this provision, the use of TPS structure of consolidated billing would be counter-productive to the BPU’s efforts to expand the benefits of solar to LMI customers.

5. Instead of using the structure of TPS consolidated billing, the BPU should adopt the mechanism of consolidated billing that is already successfully employed in its BGS Program. The BGS Program (the electric service provided to customers who do not shop for power supply in New Jersey's deregulated market) includes a consolidated billing mechanism, with all charges on the utility bill. BGS providers have their charges collected directly on the utility bill, and – importantly -- the utility makes regular payment to BGS providers on a monthly basis, regardless of whether or when customers pay their bills.
6. Under the BGS billing model, the utility is prohibited from removing a customer from consolidated billing if they are in arrears. The BPU has used this approach for over two decades to support a successful BGS program by giving payment certainty and financial security to BGS providers. From an environmental and social justice perspective, it would be equitable to provide this same treatment to LMI customers enrolled in community solar.
7. Since BGS benefits from this billing approach, it's only fair that community solar for LMI customers get the same treatment, especially since most LMI customers are on BGS service. Adopting this approach for LMI community solar programs would reduce the cost to finance and operate projects serving LMI and will accelerate the BPU's efforts to reach LMI customers. Without it, community solar providers will increase rates to LMI customers and will receive a financial signal to minimize, rather than pursue, enrollment of individually billed LMI customers.
8. The EDC's administrative and other costs to establish and maintain this consolidated billing approach should be recovered from all ratepayers as is the case for a myriad of other customer collectible and clean energy costs.

In sum, we urge the BPU to require the utilities to quickly implement and use the same consolidated billing method that is already used for BGS for at least all LMI customers, and ideally for all customers.

Thank you for your time and consideration.

Sincerely,



Gayle Brill Mittler
Mayor



September 3, 2019

Via Electronic Filing

Honorable Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza, Agency Building 3
Albany, NY 12223-1350
Email: secretary@dps.ny.gov

RE: Case 19-M-0463 - *In the Matter of Consolidated Billing for Distributed Energy Resources*

Dear Secretary Burgess,

Please find the joint comments of the Alliance for Clean Energy New York, Coalition for Community Solar Access, Natural Resources Defense Council, New York Solar Energy Industries Association, Renewable Energy Long Island, Solar Energy Industries Association and Vote Solar (referred to herein as the “Clean Energy Parties,” or “CEP”) in response to the June 18, 2019 *Notice Seeking Comments Regarding Consolidated Billing for Community Distributed Generation* in the above referenced case.

Respectfully submitted,

/s/ Amanda Vanega
Amanda Vanega
Northeast Policy Lead
Coalition for Community Solar Access (CCSA)

/s/ Anne Reynolds
Anne Reynolds
Executive Director
Alliance for Clean Energy New York

/s/ Cullen Howe
Cullen Howe
Senior Renewable Energy Advocate, Eastern Region
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/s/ Shyam Mehta
Shyam Mehta
Executive Director
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**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

In the Matter of Consolidated Billing for
Distributed Energy Resources

Case 19-M-0463

**JOINT COMMENTS OF THE COALITION FOR COMMUNITY SOLAR ACCESS,
THE ALLIANCE FOR CLEAN ENERGY NEW YORK, NEW YORK SOLAR ENERGY
INDUSTRIES ASSOCIATION, NATURAL RESOURCES DEFENSE COUNCIL,
RENEWABLE ENERGY LONG ISLAND, SOLAR ENERGY INDUSTRIES
ASSOCIATION AND VOTE SOLAR**

Dated: September 3, 2019

I. Introduction

In response to Secretary Burgess' June 18, 2019 Notice Soliciting Comments, the Coalition for Community Solar Access ("CCSA"), the Alliance for Clean Energy New York ("ACE NY"), Natural Resources Defense Council ("NRDC"), the New York Solar Energy Industries Association ("NYSEIA"), Renewable Energy Long Island ("reLI"), the Solar Energy Industries Association ("SEIA") and Vote Solar (referred to herein as the "Clean Energy Parties" or "CEP") offer these comments. We thank the Commission and Staff for opening this docket and initiating this proceeding.

CCSA is a business-led trade organization, comprised of over 50 member companies, that works to expand access to clean, local, affordable energy nationwide through community solar. Our mission is to empower energy consumers, including renters, homeowners, businesses and households of all socio-economic levels, by increasing their access to reliable clean energy. CCSA, in partnership with a network of non-profits, affiliate trade associations, and allied stakeholders, serves as the central voice for the community solar industry in developing vibrant and sustainable markets for community solar.

ACE NY is a 501c(3) member-based organization with a mission to promote the use of clean, renewable electricity technologies and energy efficiency in New York State. ACE NY members include renewable energy developers and operators, other members of the renewable industry sector, and environmental organizations.

NRDC is a national non-profit membership organization with more than 3 million members and engaged community participants. NRDC is committed to the preservation and protection of the environment, public health, and natural resources. To this end, NRDC is actively involved in advancing policies that reduce greenhouse gas emissions and other dangerous forms of air pollution and that accelerate the deployment of clean energy resources.

reLI, established in 2003, is a 501c(3) not-for-profit organization promoting clean, sustainable energy use and generation on Long Island. reLI is committed to accelerate the transition to a 100% renewable energy economy. reLI educates the public, works with local governments and partners with community interest groups to bring about the shifts necessary to enable widespread adoption of renewable energy.

SEIA is the national trade association for the United States solar industry. With more than 1,000 member companies nationwide, SEIA represents all segments of the solar market

including residential rooftop solar companies, firms that provide solar solutions to commercial and industrial customers, community shared solar companies, solar companies that supply power directly into the wholesale energy markets across the country, and firms that manufacture and distribute a range of solar products.

Vote Solar is a non-profit, non-partisan grassroots organization with members throughout the United States, including in New York. Since 2002, Vote Solar has worked in New York and across the country to remove market barriers and implement policies needed to bring solar into the mainstream. It works nearly exclusively at the state level and works to carry best practices and lessons learned from all across the country into its work. Vote Solar's staff includes experts with experience working for regulatory authorities, electric utilities, solar industry and environmental non-profits.

The CEP together have been actively participating in multiple dockets affecting community distributed generation ("CDG") and distributed energy resources ("DERs") over the last several years in New York, including the VDER docket (15-E-0751) and related working groups (the Value Stack Working group 17-01276, the Low-Income Working group 17-01278, and the Rate Design Working group 17-01277), and the Regulation of DER Providers docket (15-M-0180), among others.

Members of the CEP have commented specifically about consolidated billing and our general support for utility consolidated billing ("UCB") in April 2017¹ and July 2017.² The CEP remain supportive of implementing Utility Consolidated Billing with Purchase of Receivables ("UCB-POR") as an option for CDG providers (CDG providers would be allowed to opt-in, but it would not be mandatory). If implemented properly with a reasonable fee structure and in a transparent, easy-to-understand customer interface, UCB-POR could provide direct benefits to CDG customers – including low-to-moderate income ("LMI") subscribers – and help the state achieve its clean energy and equity goals by enabling more community solar development at lower cost.

¹ See *RE: Informal Comments Following Value of Distributed Energy Resources Technical Conference*, pp. 22-24 submitted on April 18, 2017 by the CEP, which included ACE NY, CCSA NRDC,

² See *RE: CASE 15-E-0751 Regarding the VDER Phase 1 Implementation Plans of the Joint Utilities*, pp. 15-16 submitted on July 24, 2017 by the CEP, which included SEIA, Vote Solar, CCSA, Pace Energy and Climate Center, NRDC, and Acadia Center

II. Consolidated Billing with Purchase of Receivables Impact

UCB is a program in which the utility posts not only the CDG credit on a CDG subscriber's bill, but also the charge for the CDG subscription, such that the customer pays only one bill, and the utility remits the portion of the payment that is for the CDG subscription to the CDG provider. Under UCB-POR, the utility would also purchase the receivables of the CDG provider; in other words, the utility would, for a reasonable fee, purchase the "debt" that the community solar provider expects to recover from subscribers, and then the utility would become responsible for collecting those subscriber fees. UCB-POR is a familiar concept from the retail supply arena and there are lessons learned that could be leveraged to implement it in New York for CDG.

Moving to a CDG market with UCB-POR will have an immediate impact on both CDG customers and CDG developers.

From the customer's point of view, consolidated billing fundamentally changes the relationship between the customer and the CDG provider by placing all CDG costs and savings on the subscriber's utility bill. This will enhance the customer experience for those that prefer a single bill. For LMI customers this is especially important, because increasing the number of bills that LMI customers have to pay is a significant barrier – even if the result of their participation in the CDG project is a net savings.

For CDG developers and providers whose project financing models require subscriber credit checks, UCB-POR would enable greater participation from customers with limited or no credit. Even for potential CDG subscribers with good or excellent credit scores, being subjected to a credit check for a community solar subscription is a barrier to participation. UCB-POR removes this barrier to participation for customers regardless of credit history by substituting the subscriber's credit risk with a default risk that will be pre-determined by the POR Discount (i.e., the fee charged by the utility to the CDG provider participating in UCB-POR). Additionally, financing parties will be more comfortable with this approach because as credit checks are more widely eliminated, the addressable market of CDG participants is increased allowing greater substitutability of CDG customers for transfers and cancellations. As a result, the overall risk profile for some projects and CDG providers can improve and their assets and business models become more attractive and cost-effective from a financing perspective. While the financial community has become increasingly comfortable with CDG as a product offering in general, an

innovation like UCB-POR can accelerate the attractiveness of CDG to additional financiers and bring down financing costs further.

In addition to reducing financing costs, UCB-POR reduces billing and collections costs for CDG providers who opt in, because they no longer have to pay to send bills, monitor collections, or experience lost revenue as a result of customer non-payment. Thus, UCB-POR has the potential to reduce soft costs associated with CDG project development and operations.

However, it is important to remember that any soft cost reductions associated with UCB-POR will be offset to some extent by any fees the utility will charge to offer the UCB-POR service. Furthermore, many CDG providers will continue to engage in customer acquisition, customer relationship management and customer churn, even if no longer conducting the actual billing and collections. Therefore, the amount of soft cost reductions achievable from UCB-POR should not be over-estimated – the actual cost savings to project owners will be heavily dependent on the fee structure approved by the Commission.

III. Envisioned Process to be Most Effective for Customers and CDG Providers

To be most effective for customers, UCB-POR must provide for a clear and precise accounting of subscriber CDG bill credits and charges, accurate descriptions to help subscribers understand where and when their credits were generated, and information regarding who is delivering those bill credits to them and where the charges are going.

In order to smooth the implementation of CDG UCB-POR, we recommend that it build off of the existing POR systems and fee structure in place for retail supply. We recommend the following process:

1. The utility calculates the customer CDG bill credit for the production period.
2. The utility makes the CDG bill credit report available for the CDG provider to review and verify, via a secure data exchange mechanism (i.e., ideally, via API, available through a secure POR portal).
3. The CDG provider verifies the utility-provided CDG bill credit report and provides the corresponding customer CDG subscription charge/fees (i.e., debits) back to the utility, via a secure POR portal.
4. The utility then posts both the CDG credit and the CDG subscription fee (debit) on the customer's invoice.

- a. It is imperative that the CDG credit and CDG subscription fee correspond to the same CDG production period and are on the same customer invoice. If the CDG credit is mismatched with the CDG subscription fee on a customer’s bill, the customer experience is compromised and it becomes difficult for the CDG provider to ensure the proper value is being delivered.
 - b. While the ideal situation is that the CDG credit and CDG subscription fee are provided/charged within 30 days of the corresponding CDG production, it is more important that these transactions occur on the same customer bill and therefore if necessary, a one-month delay in posting the credits/fees may be acceptable.
5. The utility then pays the CDG provider for the CDG receivables – less the established POR Fee.
- a. With this fee, the utility assumes full responsibility for the CDG subscription receivable and it is without recourse.

Here is an example timeline of how this process may work:

Month/Date	Activity Description
May 31	May Production period ends.
June 1 – June 15	Utility calculates May production period CDG credits for customer bills. Utility posts credits to a POR portal for CDG provider review.
June 15 – June 30	CDG provider reviews May’s CDG credit report and then calculates May customer CDG subscription fees (i.e., debits). The CDG provider posts the debit report in a POR portal.
July 1 – July 15	The utility places both the May CDG credit and the CDG charge on the same customer invoice. The utility pays the project owner for May’s debits minus the POR fee.

IV. Implementation Timeline

Because the actual enrollment and billing of CDG customers comes at the end of the 18-24 month CDG project development cycle, and project financing comes earlier in the cycle, there is an opportunity for Commission approval of UCB-POR to begin reducing soft costs before the UCB-POR is fully implemented and operational. If the Commission issued an Order requiring UCB-POR implementation by a date certain in the future, and set enough guardrails around the fee structure and flexibility in product terms such that project developers could anticipate within a reasonably narrow band what the actual costs would be once their project came online, then developers could begin underwriting to this new set of cost assumptions, allowing more and lower cost development and better customer products to be developed while, in parallel, the utilities were coordinating with industry on billing system adjustments to operationalize UCB-POR. Specifically, we recommend that the Commission issue an order in Q4 2019 authorizing UCB-POR and directing the utilities to implement UCB-POR within 12 months of the order.

If such advance commitment is not provided, or if there is too much uncertainty remaining regarding actual costs, then anticipated soft cost reductions would not be effective until the final UCB-POR fee structure and rules are fully adopted.

The CEP encourage the Commission to ensure utilities implement UCB-POR in a timely fashion; a long drawn out process will not produce the benefits envisioned by this model in a meaningful timeframe relevant to the state's distributed solar goals, and will represent a missed opportunity to better engage more individual customers in the state's energy transition. The CEP have been frustrated by the experience with the need for standardization, transparency, and eventually automation of CDG billing and crediting, which despite having been flagged by CEP as an important implementation issue leading up to and immediately following the March 2017 VDER Order, was not adequately addressed by the utilities, resulting in a poor customer experience and unnecessary soft costs for project owners. The experience to-date is out of step with the Reforming Energy Vision's goals, which include a consumer-centric energy economy, inspiring innovation and utility business model evolution.

Based on this experience, the CEP recommend that the Commission establish enforceable deadlines, with penalties for non-compliance and/or incentives under the performance-based

incentive mechanisms for achieving UCB-POR in a more timely fashion and maintaining customer satisfaction with that achievement.

V. Responses to Specific Questions

1. Should consolidated billing use the “purchase of receivables” model? Should the purchase of receivables be with or without recourse?

Yes, consolidated billing should use the purchase of receivables (“POR”) model. And, it should be without recourse. Specifically the POR model is important because it reduces the risk associated with customers not paying for their CDG subscription. This in turn allows financiers to become more comfortable with the risk profile of community solar projects, and more comfortable supporting residential subscriptions without minimum credit (FICO score). The more broadly available and lower cost financing would enable more megawatts of development to go forward at the same state incentive levels, which would make CDG participation available to more customers statewide. It would particularly ease some of the perceived risk of serving non-credit qualified customers, including low- and moderate-income customers.

The POR model should be without recourse for CDG projects. The risk associated with the utility accepting full collection responsibility can be and should be considered as the Commission sets the receivables discount (i.e., the fee CDG providers pay).

Further, utilities have built-in collection processes that are better equipped to efficiently and cost-effectively handle delinquent payments relative to the tools and resources currently available to CDG providers.³ Having POR with recourse reduces the benefit of having POR at all, and creates the potential for clunky and slow resolution processes that result in frustrating administrative burden for all parties involved.

³ While the Commission’s September 2017 VDER Phase One Implementation Order directed that utility collection mechanisms should not be utilized for CDG consolidated billing, the CEP assert that now that the Commission has moved beyond VDER Phase One to further refine the value stack and more aggressively target soft cost reductions, a fresh look at the appropriate involvement of utility collection mechanisms is warranted, especially as CDG consolidated billing has the potential to reduce utility uncollectibles.

2. ***Should consolidated billing require that the subscription charge for each member be set at a percentage of value of the credit received by the CDG member (e.g., a subscription charge equal to 90% of value of the credits, varying each billing period based on the credit value) or should other billing models also be enabled?***

The CEP caution against being overly prescriptive when it comes to the subscription charge because it could stifle CDG product and/or business model innovations, reduce options in the marketplace and ultimately make UCB-POR an unattractive option for the CDG providers.

3. ***Should a limit be set on the amount of charges, such as a requirement that the subscription charge be less than the bill credit value?***

No. The CEP cite CCSA's primary core principle that states that policies, programs, and practices should allow all consumers the opportunity to participate in and directly economically benefit from the construction and operation of new clean energy assets. In line with this underlying core principle, the CEP support the general intent of ensuring customers do not experience a net cost associated with their participation. This is particularly true for LMI customers.

However, being overly prescriptive could inadvertently stifle business model innovation and products that have value propositions tailored to specific customer segments. Under VDER, for example, credits generated by a project and therefore allocated to customers can spike in certain months and CDG providers should have the option to offer a fixed monthly payment (sometimes called level pay option) that results in annual net savings but which may come at a cost during certain months. CDG providers may also offer different value propositions associated with different contract lengths, tailored to specific customer segments. As another example, certain customers may be interested in participating in a project that has higher costs and therefore subscription fees as a result of characteristics the customers perceive as a value add, like an association with a particular farm, school or church in their community.

The Commission has authority to monitor and audit customer bills and, via the DER Oversight provisions in place, has advance notice of the typical products DER providers are offering. The Commission therefore will be well equipped to act should any issue arise with excessively high subscription charges. However, in the absence of evidence that this would be a problem, the CEP suggest it is more beneficial to allow the CDG business model and product the flexibility to continue to innovate and improve to best serve customers.

The CEP note that product pricing concerns related to the retail supply market do not translate to the community solar market as community solar is a fundamentally different asset and product. Retail supply products are typically structured to be short-term products with introductory rates. The crux of the product strategy is to offer an introductory rate that expires and subsequently increases over time. CDG providers, however, have a fundamentally different product structure and offering. Most CDG providers offer a long-term product that is typically predicated on saving monthly or stabilizing a customer's utility bill compared to the utility alternative. Many CDG providers are able to offer CDG customers the opportunity to participate in specific local clean energy projects and receive credits toward their electricity bills without paying a premium.

4. *Should consolidated billing be limited to specific service classes or available to all customers?*

While UCB-POR will typically be most attractive and beneficial to mass market customers, it should be available to all customers.

5. *Should any special provisions apply to consolidated billing of low-income customers?*

Most community solar products are designed to result in net savings to the customer. The CEP are excited at the prospect of UCB-POR enabling broader access to CDG for LMI customers, as our organizations and companies believe strongly that CDG is a critical tool for increasing equity and justice in our energy system, and helping traditionally underserved communities benefit from the state's transition to a clean energy economy.

Given that community solar should benefit low-income customers, and that the Commission has extensive existing consumer protection authority to address any concerns that may arise in specific instances, we do not see a need for special provisions for consolidated billing of low-income customers.

6. *Should utilities recover the costs associated with consolidated billing through retaining a percentage of the billed amount or through another method such as a per customer fee? At what level or how should the amount of the percentage or other fee be set?*

Generally, the CEP recommend that a percentage of the billed amount is preferable over a customer fee since it is easier to align with the CDG product offering. It is also more aligned with the current practice in New York with retail suppliers. The CEP recommend that the fees

charged for consolidated billing take into account administrative functions specific to consolidated billing and not contemplated in other IT and billing system upgrades the utility is already planning to make and the risk level of the purchase of receivables without recourse.

It is possible that community solar customers will be even more likely to pay their utility bills than non-community solar customers, either because the customer has already expressed a proactive interest in managing their electricity choices, or because timely payment will ensure they can remain on the community solar subscription, which in many cases will result in a cost savings to the customer. Thus it is possible that community solar consolidated billing will help utilities reduce their typical uncollected costs.

The CEP note that information presented by the utilities on consolidated bills must provide CDG subscribers with (1) a clear and precise accounting of CDG bill credits; (2) specific information describing where (CDG provider/project) and when their credits were generated; and (3) a detailed accounting of any CDG subscription fees/charges. For example, under manual billing and crediting, CDG providers are encountering situations in which the customer's utility lacks basic information regarding the VDER credit and it shows up as a "miscellaneous" line item. Instead, we recommend that the VDER credits are clearly identified and tied back to the CDG project and provider to avoid customer confusion.

Many of these issues can be avoided if data sharing between utilities and CDG providers is made easier and more efficient.

Adjustments to the fee, if any, should be based on market experience (i.e., number and amount of delinquent and non-payments), and would need to be bounded within a predictable range for a specific project when that project is under development, in order to maintain project financeability.

7. How should the information necessary for consolidated billing be communicated between the CDG Sponsor and the utility?

There are broader and ongoing discussions and pending decisions in other forums, including the *Proceeding on Motion of the Commission Regarding Cyber Security Protocols and Protections in the Energy Market Place* (18-M-0376) and *In the Matter of a Comprehensive Energy Efficiency Initiative* (18-M-0084) that related to cyber security and Green Button

Connect terms and conditions that may have bearing on this question.⁴ Without fully considering those proceedings, the CEP offer these initial comments.

Secured electronic communications is necessary; ideally, information should be communicated by API. Other options are possible as well, such as through the use of cloud-based customer relationship management software (which has been proven as a reliable option for sharing information in Xcel’s community solar garden program in Minnesota), and even Secure File Transfer Protocol (“SFTP”), although there is likely less automation available with this option and SFTP’s ability to accommodate scale is likely limited. Relying on existing infrastructure used in New York for retail suppliers – Electronic Data Interchange (“EDI”) – is also a possibility.

Whatever method is ultimately decided upon, the Commission should consider the attainability of the communications platform for the CDG providers, for example, an EDI requirement could result in UCB-POR being unattainable for some CDG providers, especially for small businesses, community-based CDG provider models, and non-profits because of the level of sophistication and associated expense needed in order to utilize a particular platform and/or technology.

The CEP caution that email will not accommodate scale, and is subject to many inefficiencies such as manually entering passwords into protected documents, manually downloading and uploading files sent as email attachments into either utility or third-party databases, among others.

There is generally a narrow slice of information that needs to be exchanged for CDG and for UCB-POR to function properly. The process should enable flexibility for CDG providers to offer level monthly billing, as described in question 3 above, in addition to the standard percentage discount of credit and price X production methods. The DPS should create a standard template that all utilities and all hosts would use to exchange data. All stakeholders would have to agree on the data format and the validation checks that files would have to pass in order for the files to be accepted. At a minimum, the following data would be need to be exchanged:

- Customer name
- Utility account number

⁴ On August 28, 2019 the Joint Utilities filed for an extension to file Green Button Connect terms and conditions in 18-M-0084 until October 14, 2019.

- Total system generation (kWh and dollar value and allocated %)
 - System generation allocated to customer (% and kWh)
 - System generation allocated to Host (% and kWh)
 - Host balance (kWh, and \$, if applicable)
 - Credits allocated to customer (kWh)
 - Value of Credits allocated (kWh and dollar value)
 - Credits applied to customer balance
 - Customer banked credits that are available, if any
 - POR discount from host
 - Charges from host (if the customer is on level billing this can be a fixed amount with a true-up at year end, otherwise this would be equal to value of credits transferred minus discount)
 - Balance of any banked credits & changes
 - Production period
 - Billing Period of customer
 - Estimated date of credit application
 - Customer rate class
 - Final billed customers (name, account number, final bill date, credit balances)
- 8. *Are additional consumer protection rules necessary for the institution of consolidated billing, beyond those currently in the Uniform Business Practices for Distributed Energy Resource Suppliers (UBP-DERS)?***

New York has implemented a robust DER Oversight process for mass-market customers and provides ample protections to all mass-market participants, including low-income customers. No additional consumer protection rules are necessary for implementing UCB-POR.

- 9. *Beyond CDG, what other DER products and services should consolidated billing be considered for?***

The CEP has focused our responses on CDG and does not have additional comments on this question at this time.

Respectfully submitted,

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April 9, 2021

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In Memoriam

Alan F. Hendrix

Community Solar Statement from New Brunswick Area Branch NAACP New Jersey Community Solar Energy Pilot Program Comments on The Consolidated Billing Stakeholder Process *BPU Docket No. QO18060646*

The NAACP appreciates the opportunity to provide the following comments in response to the Board of Public Utilities (BPU) Notice of March 11, 2021 in furtherance of the efforts of the BPU and Governor to expand their commitment to environmental justice in the context of Community Solar. NAACP has been an active participant in the development of Community Solar policy in New Jersey, having previously filed comments with the BPU.

Environmental injustices, including climate change, have a disproportionate impact on communities of color and low-income communities – accordingly, the BPU has made reaching low and moderate income (LMI) customers a priority. To truly address these racial and income disparities in its Community Solar Program, the BPU should first acknowledge the inherent bias that the Community Solar Program has built into its structure with respect to its current billing system.

Community Solar needs to be aligned to work for individual low-income customers who struggle to meet their basic needs and stay within budget. The design at its core must recognize that these customers are not looking for or putting the time and effort into shopping for a green energy product. There are community solar programs around the country that are aimed at typically affluent, environmentally conscious customers who are willing to go out of their way to sign up for community solar, but these are not the people the BPU must design the Program to reach.

A critical area of importance that we urge the BPU to address to make LMI community solar work is billing. The BPU's current Community Solar Program requires the Community Solar provider to render its own bill, i.e., the customer will



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receive two separate bills, one from their electric utility and one from their community solar provider. The BPU is evaluating “Community solar consolidated billing,” the practice of incorporating the billing for community solar directly on a subscriber’s utility bill as opposed to providing separate bills. We fully support this – but it is of fundamental importance that the BPU implement the right structure for the consolidated billing.

One proposed consolidated billing structure - that used for Third Party Supply (TPS) - is problematic and should not be used because customers with late payments can be removed from TPS consolidated billing. This will de-incentivize community solar providers to pursue LMI customers because LMI customers are more likely to be in debt on their bills, and so these customers could be put back on the inefficient, confusing dual-bill billing structure. Use of the TPS billing approach will make these customers less financially attractive for community solar providers to pursue and will result in fewer LMI customers served at higher rates. In short, adopting TPS billing for Community Solar billing would be a major step backwards in reaching LMI customers, the very customers who the Murphy Administration most wants to reach.

The most appropriate and equitable structure of community solar billing would utilize the features of the successful existing Basic Generation Service (BGS) billing structure. BGS is the electric service provided to customers who do not shop for power supply in New Jersey’s deregulated market. In the BGS billing structure, utilities already include the charges levied by default suppliers on their bills and pay their default (BGS) suppliers on a regular and prompt basis regardless of the customers’ payment patterns or histories. The confusion of two bills is avoided *and* customer revenue is secured. Using this approach for community solar will result in acceptance of LMI customers into the program, will make solar projects for LMI customers a much more financeable venture, and result in lower cost solar energy to those customers. Accordingly, the BPU should have the utilities provide the same billing and revenue collection used in BGS billing for LMI community solar programs.



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Additionally, the costs to the utilities for providing these services should be socialized and recoverable from its ratepayers, as is the case for the costs of other BPU authorized renewable energy and customer uncollectible recovery programs.

It would be inequitable and unfair to only provide this type of billing and payment approach to BGS customers and not to community solar customers.

Creating an equitable Community Solar Program is within the BPU's reach. We urge the BPU to require the utilities to offer the same consolidated billing method for community solar which is already used for BGS for at least all LMI customers, and ideally for all customers; and to allow utility cost recovery of such initiatives from ratepayers. We look forward to working with you to make New Jersey a national leader in delivering community solar to all types of customers.

Do not hesitate to contact me should you have a need to further discuss.

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April 9, 2021

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RE: Docket No. QO18060646, Community Solar Consolidated Billing of Subscriber Fees

Dear President Fiordaliso:

Thank you for this opportunity to provide comments on the potential for consolidated billing of subscription charges within the Community Solar Pilot Program. Nexamp is grateful to have been awarded projects under Year 1, and we look forward to continuing our investment in the program and working with the Board on our shared goal of delivering clean energy to New Jersey residents and businesses.

Nexamp understands the desire of many stakeholders to implement consolidated billing for the community solar program and we agree that if well designed, having utility consolidated billing as an option for subscriber organizations may offer benefits for some subscribers, particularly LMI subscribers. Unlike many stakeholders, however, we do not believe that consolidated billing, in any form, is a panacea for issues within the community solar program, or a silver bullet to addressing LMI participation. In fact, if poorly designed, consolidated billing has drawbacks that may even be a detriment in the long run to New Jersey's efforts to increase energy equity within this program. In other words, the process by which a consolidated billing program is developed and implemented are as critical as the billing framework itself.

In terms of process, Nexamp urges the Board to continue the robust stakeholder engagement that they have initiated so far, should the Board choose to explore consolidated billing further. The details of consolidated billing are complex, are critical to the actual success of the program if implemented, and will have significant ramifications for the community solar marketplace in New Jersey. Subscriber organizations need to be at the table throughout this process, and companies like Nexamp have a lot to offer from extensive experience working directly with community solar subscribers.

In terms of design, any consolidated billing option must keep the customer experience at the forefront. It is important to remember that community solar, when functioning properly, provides parity for customers who are unable to host rooftop solar to similarly experience the benefits of solar energy—the savings and the experience. Without rooftop panels on their homes, the experience for these customers is centered on billing process and communication with subscriber organizations. If community solar is relegated to a simple line item on a utility bill, the full experience of a subscription will be lost, undermining the customer experience that defines community solar. Consolidated billing should also be designed to accommodate a diversity of community solar offerings and discounts and not inadvertently limit the options available to consumers.

To put it simply, the logical benefit of having one bill does not guarantee a positive customer experience and in seeking to address one problem, the Board should be mindful of opening the door to new ones.

Question 1: In New Jersey, customers who purchase their electricity supply from a Third Party Supplier (TPS) are typically billed by their EDC. Known as Utility Consolidated Billing, the customer receives a single bill that includes supply charges and related taxes from its TPS and delivery charges and related taxes and charges from its utility. Occasionally, in NJ and in other jurisdictions, dual billing is employed where a customer receives a bill from the customer's utility company that includes only the utility's charges and a separate bill from the customer's TPS that includes only the TPS charges. In other jurisdictions, the TPS sends the utility bill to the customer, which contains all of the utility's relevant charges. This billing methodology is sometimes called TPS Consolidated Billing.

What lessons can be drawn from consolidated billing for TPS customers with respect to its potential application to community solar? What are the advantages or disadvantages of Utility Consolidated Billing, TPS Consolidated Billing and dual billing as they apply to community solar?

Under utility consolidated billing, there is an advantage for subscribers who prefer to have one bill with their utility and community solar subscription fees all in one place. Utility consolidated billing can simplify the process for developers who do not have experience billing customers. The major disadvantage, however, is an inability for subscriber organizations to communicate directly with subscribers through this process. Utility consolidated billing often relegates community solar to a line item on a utility bill, which practically means it is difficult for subscribers to understand and track their subscription.

Electric utilities may have a monopoly over the delivery of electricity, but they do not presently have nor should they be granted a monopoly over electric billing. TPS offers an alternative. TPS consolidated billing offers the benefits of a single bill, but allows a third party, potentially a subscriber organization, to present the single bill as opposed to the utility. The greater control over the communication and presentation to the customer would be an advantage under the community solar program, allowing Subscriber Organizations to actively manage the customer experience while offering subscribers the convenience of a single bill.

Dual billing is the most common method of billing in successful community solar programs to date. While the disadvantage is that some customers may not want to receive two bills, there are a number of advantages to this approach. In particular, it gives the subscriber organization an ability to control the customer experience without the complexity of consolidating other charges. Competition among subscriber organizations for customers means that companies are incentivized to make billing and communication as simple as possible, but especially in designing the visual impact of the subscriber organization's invoices. These communications create trust between the subscriber organization and subscriber and can emphasize not only the monthly, but lifetime savings to the customer, as well the environmental impact in salient terms of "trees planted" or "cars taken off the road." Many solar providers offer this for customers with rooftop systems and it is a simple way to make the experience of community solar that much more like panels on roofs.

Question 2: Do you recommend implementation of some form of consolidated billing for community solar projects? If so, do you recommend Utility Consolidated Billing, or third party provision of consolidated billing for community solar subscriber fees (Subscriber Organization Consolidated

Billing)? Please consider this question from the perspective of billing implementation and administration, community solar project financing, and subscriber (customer) protection.

Both utility consolidated billing and TPS consolidated billing should be an option, but only if they are voluntary services and their implementation does not jeopardize the beneficial customer experience that community solar subscribers enjoy today. Utility consolidated billing with purchase of receivables will aid in the financing of community solar projects, particularly those focused on LMI subscribers. As noted above, however, if consolidated billing is not implemented properly it is likely to be a detriment to customer experience under this program, and thereby, the program as a whole.

Question 3: Please describe in detail how your proposed method of consolidated billing would work and the benefits you believe would be achieved by the use of consolidated billing for community solar. Please address all related issues, including the following:

- ***Would the bill be sent by the utility (Utility Consolidated Billing) or the subscriber organization (Subscriber Organization Consolidated Billing)?***
- ***How would your proposal address customer nonpayment of bills, partial payment of bills, and late payment of bills? In cases of partial payment of bills, which portion of the bill should the payment be allocated towards?***
- ***Should customers be dropped from consolidated billing for late payments?***
- ***Discuss any purchase of receivables issues.***
- ***Discuss any issues relating to consumer credit.***
- ***Should there be a fee using consolidated billing and, if yes, what should it be?***
- ***Discuss any consumer protection implications of utilizing consolidated billing for community solar, including data privacy and data protection.***
- ***How would customer specific data be exchanged?***

If the Board pursues utility consolidated billing, Nexamp recommends that utility consolidated billing be optional and should include purchase of receivables, to aid in the financing of LMI community solar projects. While Nexamp does not run credit checks on customers in any circumstance, this provision will help address concerns about non-payment. It is reasonable for the utilities to include a fee for this service, but it should be reasonable, reflective of the specific costs associated with implementing the program, and should not exceed 1% of bill credit value.

In the event the Board determines utility consolidated billing would benefit the community solar marketplace in New Jersey, it should also approve consolidated billing by third parties including by subscriber organizations. Under this method, suppliers or subscriber organizations could present a consolidated bill to customers, including all details of CS subscription and utility charges. They would then receive and remit payment to utility for all utility charges. The customer would retain the obligation to pay the utility for the relevant charges.

Question 4: If you are or represent a community solar developer or subscriber organization, please describe in detail the terms of the agreement between the subscriber and the subscriber organization. In particular, please explain the following:

- ***What are the fees and contract terms for subscribers?***
- ***Are the fees and contract terms consistent among all subscribers? Does it differ by customer class?***

- ***Do subscriber organizations intend to offer guaranteed savings to the subscriber?***
- ***Do subscriber fees vary each month?***

Our program provides subscribers a guaranteed discount of at least 10%, and there is no cost to join our program and no penalty for leaving the program (we ask for 90 days' notice). We do not redline our contract—subscribers are not required to undergo a credit check because our program is designed specifically to ensure that everyone—regardless of income, credit history, roof space or geographic location – can participate in community solar.

Different subscribers may have different contract terms—this is most common for commercial customers, and the discount rate may be different in some cases. Frequently this is the case for LMI customers, who may receive a greater discount than non-LMI customers.

Under the guaranteed discount model, subscription fees in dollars will vary per month depending on amount of credit applied to the subscriber's bill. But the discount rate remains the same each month, and ensures that subscribers are receiving a net savings when credits are applied to their bill. At a 10% discount, if a subscriber receives \$100 in credits on their electric bill in a given month, they will owe \$90 for those credits. If they receive \$50 in credits the next month, they will owe \$45 in subscription costs.

Question 7: Should consolidated billing of community solar subscriber fees only be available to projects that provide a guaranteed monthly savings to subscribers? If not, would the provider of consolidated billing be expected to charge subscribers for their community solar participation resulting in an amount due greater than the amount due for electric service? Should this result be permitted for low- to moderate-income (LMI) customers?

Yes, there should be a guaranteed discount or savings for customers in order to participate in consolidated billing. Under no circumstances should a subscriber organization be allowed to benefit from consolidated billing for LMI customers without guaranteeing a more than nominal discount for LMI subscribers.

Question 8: Please provide comments on the following framework for utility consolidated billing of subscriber fees, which is currently being implemented in New York:

- a) Utility consolidated billing of subscriber fees is optional for community solar projects. If a project chooses utility consolidated billing of subscriber fees, all subscribers enrolled in that project are billed via utility consolidated billing (with the exception of one anchor subscriber per project).***
- b) In order to participate in utility consolidated billing, all subscribers enrolled in the project must receive a percentage of their original community solar credit on their bills each month. Currently, this minimum percentage is five percent (5%) in New York.***
- c) The subscriber fee is a percentage of the subscriber's original community solar credit each month. The dollar amount of the subscriber fee varies each month based upon the underlying community solar credit.***
 - ***Example: The subscriber fee is 90% of a customer's community solar credit. On the monthly bill, the customer receives 10% of their credit. The remaining 90% of the credit is remitted by the EDC to the subscriber organization less the administrative fee retained by the EDC.***

- d) At least 60 days prior to operating under a consolidated billing framework, the community solar project owner must provide the EDC with the percentage of the subscriber community solar credits that is available to be applied to the subscribers' bills**
- e) The same percentage must be applied to all subscribers for the same project (with the exception of an anchor subscriber, if applicable, that will receive its entire community solar credit on its utility bill and is billed by the community solar project owner for subscription fees). The percentage can change no more frequently than every six (6) months.**
- f) Subscriber organizations must agree to use the EDC's communication tool for sharing subscriber percentage information**
- g) The EDC retains a portion of the subscriber fee to compensate for their implementation and administrative costs associated with utility consolidated billing. This results in the Subscriber Fee percentage in item "c" above being reduced**
- h) The EDC receives timely recovery of subscriber credits through a surcharge or similar mechanism.**

The most significant problem with the New York program is the inability to differentiate discounts between subscribers. This is commonplace in the community solar market, and especially so in New Jersey, where attracting LMI customers is a key component of the Community Solar Pilot Program. In practice, a greater discount is generally offered to LMI customers over non-LMI customers, but without the ability to differentiate discounts, subscriber organizations will almost certainly have to offer lower standard discounts to all subscribers. Any benefit to LMI subscribers that would come from consolidated billing would come at a significant cost overall if they were not able to take advantage of greater discounts as a result.

In addition, there can be a significant lag in payments from the utility to the subscriber organization in the New York program, in some cases 130 days from payment by subscribers, which is problematic for subscriber organizations trying to maintain accounting for projects. This should be limited to no more than 90 days.

Regarding communication, while it is reasonable to use only one method of communication between subscriber organizations and the utility, subscriber organizations need to be involved in the process of establishing that method. Any provisions around communication and access to data should not discriminate between subscriber organizations that may participate in consolidated billing and those that do not.

In general, New York's program was primarily a utility-driven process that did not adequately contemplate and incorporate subscriber organization practices in the community solar market. As the Board continues its process on this issue, stakeholders must continue to be involved in the vetting of any consolidated billing option. The lack of ability to differentiate offers to subscribers is an obvious flaw in the New York program that has altered the market substantially, and for the worse. The Board can avoid this by continuing a robust stakeholder process and ensuring that any option is truly viable for the New Jersey market.

Further, in implementing the net crediting program in New York, the Public Service Commission punted a lot of decisions, specifically those impacting the customer experience, to an informal stakeholder

process. When it comes to bill presentment, bill messaging, and bill inserts, the Board must consider their impact on the customer experience and be prescriptive in its Order on how it will protect the community solar customer experience.

Finally, when the utility consolidates a community solar subscriber's bill, prompt resolution of customer bill errors is of paramount importance. In all community solar markets where Nexamp is active, our billing and crediting team spends an inordinate amount of time resolving utility billing errors. This becomes harder when the utility completely owns the billing relationship. At least with two bills, Nexamp can use its own bill to account for an mitigate whatever utility errors the customer experiences on his electric bill. That flexibility does not exist with utility consolidated billing.

Question 9: If you disagree with any portion of the framework in Question 8, please describe in detail the framework you would support (or refer to your response to Question 3, as relevant). Include specific examples from other jurisdictions, if possible

As noted above, a key flaw in New York's program is the inability to differentiate discounts between subscribers. Any consolidated billing option should have the functionality necessary to offer different discounts to subscribers on the same community solar project.

In addition, New York's program does not give adequate consideration to the presentation of community solar subscription information on customers' bills. As in our view this is critical to successful implementation of consolidated billing, the Board should ensure that implementation here incorporates feedback from subscriber organizations into the design of customer-facing materials. That could include a bill insert, as in the attached mockup.

Another flaw in New York's program is the lack of penalties or accountability for the utilities if they make repeated mistakes in applying credits or remitting payment. There should be a formal opportunity for resolution and accountability if New Jersey is going to implement consolidated billing.

Question 11: What are the potential challenges to implement consolidated billing for community solar? How can these challenges be addressed?

There are two principal challenges with implementing consolidated billing. First, is ensuring the customer experience is protected. Second, is ensuring subscriber organizations have access to the data needed to track what is being applied to customers' bills.

Regarding the customer experience, the presentation of community solar subscription details needs to be well defined in this process. Community solar cannot be relegated to a simple line item or buried on page four of a bill, if this is to be successful. At a minimum, the bill must clearly label the credit as a "community solar credit" or the equivalent, and include the name of the subscriber organization providing the credit. The bill should also allow for an insert that can track subscription progress in more detail. Nexamp has included a mockup of how this would look alongside these comments.

It is also critical that subscriber organizations have full access to utility data in order to track what is being applied to customer bills. This is critical for all subscriber organizations, regardless of whether they are participating in consolidated billing or not. We need the ability to track for accuracy, and to be able to verify what is being applied. Utilities should grant full access to this information. Even with increased automation, errors in this process are to be expected. Tracking this information will uncover these errors, but there needs to be a process to resolve this issues, including Board oversight if necessary. If errors are commonplace, there should be repercussions.

Question 12: If Utility Consolidated Billing were available, how would subscriber billing inquiries be handled? Would subscriber inquiries regarding subscriber fees and/or community solar credits be handled by the subscribing entity or the developer, or would the utility be required to take on that role?

Questions regarding a subscription should be directed to the relevant subscriber organization. As noted above, under consolidated billing it is critical that key information regarding the subscription is on the customer's utility bill so that the customer can track their subscription and clearly see the subscriber organization that is applying the credit. This will ensure customers can direct any questions to the correct entity.

In addition, utility customer service representatives should be able to communicate the basic dynamics of the community solar program in order to address basic questions about the program from their customers, or to be able to direct customers to the subscriber organization if there is a question regarding their subscription or if otherwise necessary.

Question 13: If Utility Consolidated Billing were available, how would subscriber billing information be provided to the utility?

The utilities should establish a method of communication in conjunction with subscriber organizations that relies on automatic processes to the greatest extent possible. Manual inputs inevitably lead to errors and increase resource needs on both utilities and subscriber organizations. Ideally information should flow through API. EDI would also be an acceptable method of communication. Importantly, data access and communication procedures with the utility should be the same for all subscriber organizations, not just those that participate in consolidated billing. Subscriber organizations that choose not to participate should not suffer from a lack of access or proper communication with the utility, simply by not participating in consolidated billing.

Sincerely,

Jake Springer
Senior Policy Associate
Nexamp



JANE DOE
Account Number: 0123-4567-890
Statement Date: September 26, 2017

13831

Service Address: 123 MAIN ST, ANYTOWN NY 12345

Page 3 of 5



Electricity Service - Residential

Service from: 08/22/17 - 09/24/17

Electricity Delivery Charges

Basic service charge				15.11
Delivery charge	1000 kwh	@	0.03963	39.63
Transition charge	1000 kwh	@	-0.00009794	-0.10
Revenue decoupling mech	1000 kwh	@	0.001116	1.12
NY state assessment	1000 kwh	@	0.000703	0.70
SBC charge	1000 kwh	@	0.005997	6.00

Subtotal Electricity Delivery **\$62.46**

Electricity Supply Charges

Supply charge	1000 kwh	@	0.02915012	29.15
Merchant function charge	1000 kwh	@	0.006024	6.02

Subtotal Electricity Supply **\$35.17**

Electricity Taxes and Surcharges

Taxes on delivery charges		@	2.0408%	2.37
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Subtotal Electricity Taxes and Surcharges **\$2.37**

Total Electricity Cost **\$100.00**

Total Energy Cost **\$100.00**

Miscellaneous Charges

09/26/17	Community Solar Credit	\$10.00
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Total Due to NYSEG **\$90.00**

Community Solar Credit Explanation

<p>Your share of the solar farm generated \$100 of clean electricity for the grid.</p>	<p>10% of what your farm generated is applied to your bill as a community solar credit, generating \$10 of savings this month.</p>	<div style="border: 1px solid gray; border-radius: 50%; padding: 10px; display: inline-block;"> <p>Your lifetime savings: \$155</p> </div>	<p> Your Provider: Subscriber Co. Project: Seneca, NY</p> <hr/> <p>Your Environmental Impact:</p> <p> 10,000 lb CO2 Emissions Saved</p> <p> 155 Equivalent Trees Planted</p>
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Questions about your community solar subscription? Contact Subscriber Co. by emailing support@subscriberco.com or calling **555-123-4567**



State of New Jersey
DIVISION OF RATE COUNSEL
140 EAST FRONT STREET, 4TH FL.
P.O. BOX 003
TRENTON, NEW JERSEY 08625

PHIL MURPHY
Governor

SHEILA OLIVER
Lt. Governor

STEFANIE A. BRAND
Director

April 9, 2021

By Electronic Mail

Honorable Aida Camacho-Welch, Secretary
NJ Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350

**Re: Comments regarding Docket No. QO18060646
Community Solar Consolidated Billing of Subscriber Fees**

Dear Secretary Camacho-Welch:

Please accept for filing these comments being submitted on behalf of the New Jersey Division of Rate Counsel ("Rate Counsel") in accordance with the Notice issued by the Board of Public Utilities ("Board") in this matter on March 11, 2021. In accordance with the Notice, these comments are being filed electronically with the Board's Secretary at board.secretary@bpu.nj.gov.

Please acknowledge receipt of these comments.

Honorable Aida Camacho-Welch, Secretary
April 9, 2021

Thank you for our consideration and attention to this matter.

Respectfully submitted,

STEFANIE A. BRAND
Director, Division of Rate Counsel

By: */s/Sarah H. Steindel*
Sarah H. Steindel, Esq.
Assistant Deputy Rate Counsel

Enclosure

cc: Paul E. Flanagan, BPU
Kelly Mooij, BPU
Abe Silverman, BPU
Hannah Thonet, BPU
Ariane Benrey, BPU
Stacy Peterson, BPU
Jacqueline Galka, BPU
Suzanne Patnaude, BPU
Pamela Owen, SDAG, ASC

STATE OF NEW JERSEY

BEFORE THE BOARD OF PUBLIC UTILITIES

In the Matter of New Jersey Community) BPU Docket No. QO18060646
Solar Energy Pilot Program)

**COMMENTS OF THE
NEW JERSEY DIVISION OF RATE COUNSEL
ON CONSOLIDATED BILLING OF SUBSCRIBER FEES**

April 9, 2021

Introduction

The Division of Rate Counsel (“Rate Counsel”) thanks the Board of Public Utilities (“Board” or “BPU”) for the opportunity to provide comments on community solar consolidated billing proposals that are being considered as part of New Jersey’s Community Solar Energy Pilot Program (“Pilot Program”) and the future permanent Community Solar Program. Rate Counsel’s comments specifically address the questions identified in the Notice issued by the Board on March 11, 2021.

General Comments

Consolidated utility billing for community solar has the potential to improve customer convenience while reducing billing costs. Rate Counsel supports mechanisms that can reduce costs and increase overall administrative efficiency. However, ratepayer interests need to be considered in this process. Consolidated billing, while likely more efficient, will still result in a cost to New Jersey’s electric distribution companies (“EDCs”). Rate Counsel recommends that EDCs be compensated for the billing efforts and that those costs be recovered by community solar projects, not broadly across all ratepayers. These costs can be recovered using a “net crediting” approach where EDC costs are netted against the community solar credit.

Comments on Specific Stakeholder Questions

Question 1: In New Jersey, customers who purchase their electricity supply from a Third Party Supplier (TPS) are typically billed by their EDC. Known as Utility Consolidated Billing, the customer receives a single bill that includes supply charges and related taxes from its TPS and delivery charges and related taxes and charges from its utility. Occasionally, in NJ and in other jurisdictions, dual billing is employed where a customer receives a bill from the customer’s utility company that includes only the utility’s charges and a separate bill from the customer’s TPS that includes only the TPS charges. In other jurisdictions, the TPS sends the utility bill to the customer, which contains all of the utility’s relevant charges. This billing methodology is sometimes called TPS Consolidated Billing.

What lessons can be drawn from consolidated billing for TPS customers with respect to its potential application to community solar? What are the advantages or disadvantages of Utility Consolidated Billing, TPS Consolidated Billing and dual billing as they apply to community solar?

Comment: New Jersey customers that purchase their electricity supply from a third-party supplier (“TPS”) are typically billed by their EDC and receive a single bill that includes not only TPS-related delivery charges and taxes, but also any relevant costs (and non-bypassable charges) incurred by, or required of EDCs. Rate Counsel recognizes that this consolidated billing approach can reduce TPS billing costs and increases accessibility of TPS services for LMI and other less financially sophisticated consumers.

Question 2: Do you recommend implementation of some form of consolidated billing for community solar projects? If so, do you recommend Utility Consolidated Billing, or third-party provision of consolidated billing for community solar subscriber fees (Subscriber Organization Consolidated Billing)? Please consider this question from the perspective of billing implementation and administration, community solar project financing, and subscriber (customer) protection.

Comment: Rate Counsel recommends that the Board consider utilizing an EDC-based consolidated billing approach for community solar. The costs of implementing this approach, however, need to be paid for its primary beneficiaries: community solar developers and subscriber organizations. Rate Counsel recommends that EDCs retain a portion of the subscriber payments it collects, as either a per customer fee or a percentage of the amount collected.

The recent experience in New York underscores the importance of assuring that community solar costs are not paid for by all ratepayers. National Grid recently estimated that the overall costs (revenue requirement) associated with the implementation of a comparable community solar consolidated billing program could be as large as \$6 million in the first year

and \$2.1 million in subsequent years.¹ These first year costs likely reflect a large amount of initial, one-time set up costs to integrate EDC billing systems with those of the community solar developers. The Board could consider relaxing the initial fees for consolidated billing during a limited pilot program period. However, the Board should assure that those costs, over the long run (as the program becomes permanent) are paid for by community solar developers and subscriber organizations, not by all New Jersey ratepayers.

Question 3: Please describe in detail how your proposed method of consolidated billing would work and the benefits you believe would be achieved by the use of consolidated billing for community solar. If you are or represent a community solar developer or subscriber organization, please speak specifically to your experience. Please address all related issues, including the following:

- Would the bill be sent by the utility (Utility Consolidated Billing) or the subscriber organization (Subscriber Organization Consolidated Billing)?
- How would your proposal address customer nonpayment of bills, partial payment of bills, and late payment of bills? In cases of partial payment of bills, which portion of the bill should the payment be allocated towards?
- Should customers be dropped from consolidated billing for late payments?
- Discuss any purchase of receivables issues.
- Discuss any issues relating to consumer credit.
- Should there be a fee using consolidated billing and, if yes, what should it be?
- Discuss any consumer protection implications of utilizing consolidated billing for community solar, including data privacy and data protection.
- How would customer specific data be exchanged?

Alternatively, please address why you and/or your organization prefer dual billing.

Comment: Rate Counsel recommends the following protocols for an EDC-based consolidated billing program:

- Bills will be sent directly by EDCs.
- EDCs will utilize a “net crediting” approach in which costs (or subscriber fees) are netted against community solar net metering credits. This approach should reduce EDC credit

¹ State of New York Public Service Commission, Case 19-M-0463 -- In the Matter of Consolidated Billing for Distributed Energy Resources, Order Regarding Consolidated Billing for Community Distributed Generation, page 7.

risks and could also accommodate current EDC TPS billing practices for late payments, partial payment or non-payment of bills.

- Participating community solar customers will not be dropped from consolidated billing as a result of late payments, but they will be dropped due to non-payment resulting in suspension of service.
- EDCs will not purchase receivables.
- Consolidated billing for community solar should be utilized in a way that reduces barriers to LMI participation.
- Rate Counsel recommends that EDCs assess a fee on either a fixed per customer basis or as a percentage of total revenues collected. These fees should be designed make EDCs whole for costs incurred in facilitating the community solar consolidated billing program, while protecting non-participating ratepayers from bearing these costs.
- The Board should develop a working group of relevant stakeholders (EDCs, solar developers, Rate Counsel) to develop a uniform set of specific protocols, across all EDCs, that will protect sensitive customer-specific data.

Question 4: If you are or represent a community solar developer or subscriber organization, please describe in detail the terms of the agreement between the subscriber and the subscriber organization. In particular, please explain the following:

- **What are the fees and contract terms for subscribers?**
- **Are the fees and contract terms consistent among all subscribers? Does it differ by customer class?**
- **Do subscriber organizations intend to offer guaranteed savings to the subscriber?**
- **Do subscriber fees vary each month?**

Comment: Rate Counsel does not have an opinion on this question at the current time.

Question 5: Do any subscriber organizations currently use consolidated billing for community solar subscriber fees in other jurisdictions? If so, please identify the jurisdictions and explain the design of the billing framework, being sure to address the issues identified in Question 2 and 3 above.

Comment: The use of consolidated billing for community solar subscriber fees was approved by the New York Public Service Commission in December 2019.² New York uses a net credit approach as described earlier. New York's utilities are in the process of upgrading their billing systems, revising their tariffs and performing the other tasks necessary to implement community solar consolidated billing.³

Question 6: Are subscriber organizations paying an administrative fee to EDCs for the use of consolidated billing of subscriber fees in other jurisdictions? If so, how is it structured? If not, how does the EDC recover those costs? Please provide your recommended method of cost recovery.

Comment: The New York method of consolidated billing allows utilities to collect administrative fees. The New York Commission set the administrative fee at one percent of the total value of the community solar credit. The New York Commission will allow utilities to modify this arrangement, upon a request and filing, that is supported by actual billing experience and data that supports a change from the initially established one percent level.

Question 7: Should consolidated billing of community solar subscriber fees only be available to projects that provide a guaranteed monthly savings to subscribers? If not, would the provider of consolidated billing be expected to charge subscribers for their community solar participation resulting in an amount due greater than the amount due for electric service? Should this result be permitted for low- to moderate-income (LMI) customers?

² State of New York Public Service Commission, Case 19-M-0463 – In the Matter of Consolidated Billing for Distributed Energy Resources, Order Regarding Consolidated Billing for Community Distributed Generation, page 7.

³ See State of New York Public Service Commission Docket for Matter Number 19-01480, <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?Mattercaseno=19-M-0463>

Comment: If consolidated billing is not limited to projects that provide a guaranteed monthly savings to subscribers, then the provider of consolidated billing should be expected to charge subscribers for their community solar participation in months in which the subscriber fee exceeded the community solar credit.

Question 8: Please provide comments on the following framework for utility consolidated billing of subscriber fees, which is currently being implemented in New York:

- a. Utility consolidated billing of subscriber fees is optional for community solar projects. If a project chooses utility consolidated billing of subscriber fees, all subscribers enrolled in that project are billed via utility consolidated billing (with the exception of one anchor subscriber per project).
- b. In order to participate in utility consolidated billing, all subscribers enrolled in the project must receive a percentage of their original community solar credit on their bills each month. Currently, this minimum percentage is five percent (5%) in New York.
- c. The subscriber fee is a percentage of the subscriber's original community solar credit each month. The dollar amount of the subscriber fee varies each month based upon the underlying community solar credit.
 - o Example: The subscriber fee is 90% of a customer's community solar credit. On the monthly bill, the customer receives 10% of their credit. The remaining 90% of the credit is remitted by the EDC to the subscriber organization less the administrative fee retained by the EDC.
- d. At least 60 days prior to operating under a consolidated billing framework, the community solar project owner must provide the EDC with the percentage of the subscriber community solar credits that is available to be applied to the subscribers' bills.
- e. The same percentage must be applied to all subscribers for the same project (with the exception of an anchor subscriber, if applicable, that will receive its entire community solar credit on its utility bill and is billed by the community solar project owner for subscription fees). The percentage can change no more frequently than every six (6) months.
- f. Subscriber organizations must agree to use the EDC's communication tool for sharing subscriber percentage information.
- g. The EDC retains a portion of the subscriber fee to compensate for their implementation and administrative costs associated with utility consolidated billing. This results in the Subscriber Fee percentage in item "c" above being reduced.
- h. The EDC receives timely recovery of subscriber credits through a surcharge or similar mechanism.

Comment: Rate Counsel supports the framework but recommends that community solar project participation be restricted to those projects that can show substantial customer benefits. Rate Counsel recommends a level higher than five percent of the original consumer solar credit but also one that is likely to sustain a high benefit percentage over an extended time period. Rate Counsel also recommends that any EDCs recover for subscriber credit in the same manner as they recover for the revenue impacts of other net metering credits, *i.e.*, in EDC's next base rate case.

Question 9: If you disagree with any portion of the framework in Question 8, please describe in detail the framework you would support (or refer to your response to Question 3, as relevant). Include specific examples from other jurisdictions, if possible.

Comment: Rate Counsel has no additional comments at this time.

Question 10: In the case of Utility Consolidated Billing, if you are a community solar subscription organization, should you opt to participate in Utility Consolidated Billing would you maintain back- up billing procedures to bill customers who fail to pay the EDC for their community solar subscription? What other options would you suggest to address the risk of non-payment by customers?

Comment: Rate Counsel recommends that community solar subscription organizations be responsible for billing customers who fail to pay their community solar subscription fees to their EDC and also bear the risk of non-payment. This would protect ratepayers from bearing the expense of unpaid subscription fees. The use of a "net crediting" approach would also reduce the risk of non-payment because the netting the community solar credit against the subscription fee would reduce the amount of subscription fees due from customers.

Question 11: What are the potential challenges to implement consolidated billing for community solar? How can these challenges be addressed?

Comment: Rate Counsel believes that the primary challenges to implementing consolidated billing for community solar will be establishing protocols for the exchange of billing and other consumer data that are mutually acceptable to EDCs and community solar developers; protecting consumer data to ensure privacy; and ensuring that the costs of consolidated billing for utility solar are paid for its primary beneficiaries: community solar subscribers and developers.

Question 12: If Utility Consolidated Billing were available, how would subscriber billing inquiries be handled? Would subscriber inquiries regarding subscriber fees and/or community solar credits be handled by the subscribing entity or the developer, or would the utility be required to take on that role?

Comment: Rate Counsel recommends that the community solar developer handle subscriber inquiries regarding subscriber fees and/or community solar credits. Project developers are most able to respond to project-specific subscriber inquiries and the costs of responding to subscriber inquiries to be paid for its primary beneficiaries: community solar subscribers and developers.

Question 13: If Utility Consolidated Billing were available, how would subscriber billing information be provided to the utility?

Comment: Rate Counsel recommends, per the response to question 3, that the Board develop a working group of relevant stakeholders (EDCs, solar developers, Rate Counsel) to develop a uniform set of specific protocols, across all EDCs, which would specify how subscriber billing information and other data would be handled.



April 9, 2021

Aida Camacho-Welch, Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue
3rd Floor – Suite 314
P.O. Box 350
Trenton, New Jersey 08625-0350

Re: *Docket No. QO18060646*
Community Solar Consolidated Billing of Subscriber Fees

Dear Ms. Camacho-Welch:

As the largest solar owner-operator in the state, NJR Clean Energy Ventures (NJRCEV) serves both residential and commercial customers and provides renewable power to the grid with over 350 MW of solar capacity in New Jersey.

We are eager to become an active participant in New Jersey's community solar market, helping to advance the State's clean energy and environmental justice goals.

Consolidated billing implementation is an important catalyst that will support continued growth of New Jersey's community solar program. In the comments that follow, **we express our support for utility consolidated billing combined with a purchase of receivables program.** Under this structure, community solar providers and electric distribution companies (EDCs), can utilize existing processes and systems that have made energy deregulation successful in New Jersey for 20 years.

NJRCEV applauds BPU Staff for recognizing the benefits consolidating billing can bring to community solar, and hopes our comments provide helpful guidance on implementation as the program continues to grow.

Sincerely,

A handwritten signature in black ink that reads 'Katie Feery' in a cursive script.

Katie Feery
Manager of Corporate Strategy

Cc: Mark F. Valori, Vice President
Chris Savastano, Managing Director of Development
Larry Barth, Director of Corporate Strategy

Stakeholder Questions

Question 1: *In New Jersey, customers who purchase their electricity supply from a Third Party Supplier (TPS) are typically billed by their EDC. Known as Utility Consolidated Billing, the customer receives a single bill that includes supply charges and related taxes from its TPS and delivery charges and related taxes and charges from its utility. Occasionally, in NJ and in other jurisdictions, dual billing is employed where a customer receives a bill from the customer's utility company that includes only the utility's charges and a separate bill from the customer's TPS that includes only the TPS charges. In other jurisdictions, the TPS sends the utility bill to the customer, which contains all of the utility's relevant charges. This billing methodology is sometimes called TPS Consolidated Billing. What lessons can be drawn from consolidated billing for TPS customers with respect to its potential application to community solar? What are the advantages or disadvantages of Utility Consolidated Billing, TPS Consolidated Billing and dual billing as they apply to community solar?*

Answer: Utility consolidated billing (UCB) simplifies payments for customers and allows them to better track their energy usage, solar credits, and expenses in one bill. Doing the reconciliation on multiple bills received on different days in the month would complicate and confuse the consumer. Using consolidated billing provides a customer-friendly, one-time, monthly view of electricity cost savings from a known provider. Furthermore, it streamlines the payment process for customers with a single payment processed each month.

Question 2: *Do you recommend implementation of some form of consolidated billing for community solar projects? If so, do you recommend Utility Consolidated Billing, or third party provision of consolidated billing for community solar subscriber fees (Subscriber Organization Consolidated Billing)? Please consider this question from the perspective of billing implementation and administration, community solar project financing, and subscriber (customer) protection.*

Answer: The best way to achieve successful enrollment of community solar subscribers at reasonable, long-term prices is through consolidated billing along with a purchase of receivables (POR) program. This is the model that has proven successful for Basic Generation Service (BGS) transactions, where the utility pays the BGS provider directly for every kWh delivered and customers are sent a consolidated bill. This payment mechanism that has been in place and successfully employed in New Jersey for more than 20 years.

Under this structure, the community solar provider would deliver renewable power to the Electric Distribution Company (EDC) and receive payment for energy delivered irrespective of the solar subscribers' payment patterns to the EDC. The utility would bill the customer and can recover costs in the same manner applicable to their existing process used for bad debt associated with BGS customers.

Question 3: *Please describe in detail how your proposed method of consolidated billing would work and the benefits you believe would be achieved by the use of consolidated billing for community solar. If you are or represent a community solar developer or subscriber organization, please speak specifically to your experience.*

Answer: UCB with POR has helped make energy deregulation in New Jersey a success, enabling BGS providers to reduce risk and cash flow premiums that would otherwise be embedded in BGS prices. When applied to community solar, this same benefit of stable revenue flow to community solar providers would be translated to community solar subscribers in the form of lower prices.

It would only be fair for community solar providers – who are supporting the clean energy and environmental justice goals of the State – to be treated the same way as BGS suppliers. And it would encourage community solar project developers to support even greater participation of low- to moderate-income (LMI) customers than the required 50 percent per project – resulting in wider expansion of New Jersey’s community solar program.

Question 4: *If you are or represent a community solar developer or subscriber organization, please describe in detail the terms of the agreement between the subscriber and the subscriber organization.*

Answer: NJR Clean Energy Ventures (NJRCEV) does not have any subscription agreements in place currently.

Question 5: *Do any subscriber organizations currently use consolidated billing for community solar subscriber fees in other jurisdictions? If so, please identify the jurisdictions and explain the design of the billing framework, being sure to address the issues identified in Question 2 and 3 above.*

Answer: NJRCEV does not have any subscription agreements in place currently.

Question 6: *Are subscriber organizations paying an administrative fee to EDCs for the use of consolidated billing of subscriber fees in other jurisdictions? If so, how is it structured? If not, how does the EDC recover those costs? Please provide your recommended method of cost recovery.*

Answer: NJRCEV does not have any subscription agreements in place currently.

Question 7: *Should consolidated billing of community solar subscriber fees only be available to projects that provide a guaranteed monthly savings to subscribers? If not, would the provider of consolidated billing be expected to charge subscribers for their community solar participation resulting in an amount due greater than the amount due for electric service? Should this result be permitted for low- to moderate-income (LMI) customers?*

Answer: While NJRCEV recognizes and supports the importance of providing low-cost renewable energy through community solar projects, especially for LMI customers, community solar customers should not lose benefits based on the pricing decisions of their solar provider. Consolidated billing should be available to customers regardless of their community solar rate. Today, customers who chose to purchase their electricity from a third-party supplier can participate in consolidated billing regardless of what they pay their supplier.

A better way to guarantee customer savings would be to reserve eligibility for participation in a POR program to solar providers who demonstrate they are providing savings to customers. This

would ensure a simplified and consistent process for all community solar customers; however, the solar provider would not receive the benefit of stable cash flows from the utility. Instead, their billing would mimic that of third-party suppliers today.

Question 8: *Please provide comments on the following framework for utility consolidated billing of subscriber fees, which is currently being implemented in New York: a. Utility consolidated billing of subscriber fees is optional for community solar projects. If a project chooses utility consolidated billing of subscriber fees, all subscribers enrolled in that project are billed via utility consolidated billing (with the exception of one anchor subscriber per project).*

b. In order to participate in utility consolidated billing, all subscribers enrolled in the project must receive a percentage of their original community solar credit on their bills each month. Currently, this minimum percentage is five percent (5%) in New York.

c. The subscriber fee is a percentage of the subscriber's original community solar credit each month. The dollar amount of the subscriber fee varies each month based upon the underlying community solar credit. o Example: The subscriber fee is 90% of a customer's community solar credit. On the monthly bill, the customer receives 10% of their credit. The remaining 90% of the credit is remitted by the EDC to the subscriber organization less the administrative fee retained by the EDC.

d. At least 60 days prior to operating under a consolidated billing framework, the community solar project owner must provide the EDC with the percentage of the subscriber community solar credits that is available to be applied to the subscribers' bills.

e. The same percentage must be applied to all subscribers for the same project (with the exception of an anchor subscriber, if applicable, that will receive its entire community solar credit on its utility bill and is billed by the community solar project owner for subscription fees). The percentage can change no more frequently than every six (6) months.

f. Subscriber organizations must agree to use the EDC's communication tool for sharing subscriber percentage information.

g. The EDC retains a portion of the subscriber fee to compensate for their implementation and administrative costs associated with utility consolidated billing. This results in the Subscriber Fee percentage in item "c" above being reduced.

h. The EDC receives timely recovery of subscriber credits through a surcharge or similar mechanism.

Answer: NJRCEV agrees with several aspects of the NY consolidated billing process described including a, d, e, f, and g.

Question 9: *If you disagree with any portion of the framework in Question 8, please describe in detail the framework you would support (or refer to your response to Question 3, as relevant). Include specific examples from other jurisdictions, if possible.*

Answer: NJRCEV has detailed the importance of using consolidated billing with a POR program in the response to Questions 2 and 3. In the details described above, it is unclear if the

consolidated billing program in New York provides a financeable revenue stream for community solar providers, which the current BGS program provides.

As indicated in response to Question 7, it makes good sense to implement consolidated billing for all subscribers, regardless of the rate charged by their solar provider

Question 10: *In the case of Utility Consolidated Billing, if you are a community solar subscription organization, should you opt to participate in Utility Consolidated Billing would you maintain backup billing procedures to bill customers who fail to pay the EDC for their community solar subscription? What other options would you suggest to address the risk of non-payment by customers?*

Answer: Each community solar provider should be able to determine the process that best fits the financial risk they are willing to take. In turn, subscription contract terms should be very clear in addressing the issue of non-payment for subscribers.

Question 11: *What are the potential challenges to implement consolidated billing for community solar? How can these challenges be addressed?*

Answer: It is a challenge to ensure community solar providers in the State have the proper systems and processes in place to integrate into the existing structure of consolidated billing used by the EDC. That is why, in these comments, NJRCEV strongly recommends the use of the existing systems and processes, which have proven effective for 20 years.

There will no doubt be other challenges to implementation, but solar providers with current subscribers would be better able to address additional challenges.

Question 12: *If Utility Consolidated Billing were available, how would subscriber billing inquiries be handled? Would subscriber inquiries regarding subscriber fees and/or community solar credits be handled by the subscribing entity or the developer, or would the utility be required to take on that role?*

Answer: Subscriber billing inquiries should always be handled by the community solar provider. Speaking from experience as a residential solar provider in New Jersey, when customers seek guidance from the electric utility on their solar billing questions, they are often left frustrated. Customer service representatives of EDCs cannot be expected to know the contract details of the multiple community solar subscriptions throughout their service territories. Subscriber organizations and providers are much better equipped to handle such questions. Whether subscriber entities or providers would handle questions should be left to each provider to decide.

Question 13: *If Utility Consolidated Billing were available, how would subscriber billing information be provided to the utility?*

Answer: The Electric Data Interchange should be used to provide subscriber billing information to the utility. This secure, widely known platform has been in use for 20 years. CEV believes there is no reason to create additional systems to facilitate the implementation of consolidated billing. Doing so would only drive up unnecessary costs that would ultimately be borne by community solar subscribers.

Submitted Via Email

April 12, 2021

Aida Camacho-Welch,
Secretary New Jersey Board of Public
Utilities Post Office Box 350
Trenton, New Jersey 08625

**RE: New Jersey Community Solar Energy Pilot Program Consolidated Billing of
Subscriber Fees Docket No. QO18060646**

Dear Secretary Camacho-Welch:

Please find enclosed the comments of the Natural Resources Defense Council concerning the above referenced docket, as well as the joint comments of NRDC and other organizations on a similar proceeding in New York included within this document.

Sincerely,

Eric D. Miller
NJ Energy Policy Director
The Natural Resources Defense Council
Email: emiller@nrdc.org
Phone: 973-494-0263

I. INTRODUCTION

On October 2, 2020 Board of Public Utilities’ (“BPU” or “Board”) issued an Order directing the New Jersey’s Electric Distribution Companies (“EDCs”) to develop options for implementing consolidated billing for community solar, whether customer pays both their normal electric utility charges and community solar subscriber fees through a single bill. As part of the process, the EDC’s requested an extension to allow for stakeholder engagement and the development of consolidate billing options for community solar. As part of that process, the Board issued an order on March 11, 2021 requesting stakeholder comment on thirteen questions. We than the Board for allowing stakeholders the opportunity to provide input on this topic.

The Natural Resources Defense Council (“NRDC”) is a national non-profit membership organization with more than 3 million members and engaged community participants. NRDC is committed to the preservation and protection of the environment, public health, and natural resources. To this end, NRDC is actively involved in advancing policies that reduce greenhouse gas emissions and other dangerous forms of air pollution and accelerate the deployment of clean energy resources. For the past several years, NRDC has been working in New Jersey to expand the deployment of, and access to, clean energy resources in New Jersey such as solar.

NRDC supports the usage of Utility Consolidated Billing (“UCB”). If implemented properly with a reasonable fee structure and easy-to-understand customer interface, UCB could provide direct benefits to consumers of community solar – including low-to-moderate income (“LMI”) subscribers who make up the majority of sought-after customers under New Jersey’s Community Solar Pilot Program. A similar proceeding is underway in New York, and NRDC recommends

the Board and EDCs look to that proceeding for information on how to structure a similar mechanism in New Jersey.

II. COMMENTS

Question 1: What lessons can be drawn from consolidated billing for TPS customers with respect to its potential application to community solar? What are the advantages or disadvantages of Utility Consolidated Billing, TPS Consolidated Bill and dual billing as they apply to community solar.

At a minimum, customers who participate in New Jersey's community solar program should be billed using the UCB Model, whereby the customer receives a single bill that includes supply charges, delivery charges, and related taxes regardless of whether that customer receives its energy from a Third Party Supplier. In the case of community solar, UCD would operate similarly – the utility would collect the costs of the community solar project and would add the charge to a customer's monthly utility bill along with the credits received from the projects.

Under this model, a customer would receive only one monthly bill, and project developers would be able to collect the costs of these projects directly from the utility, which New York found would reduce expected billing and customer-interface costs by as much as 85%.

Question 2: Do you recommend implementation of some form of consolidated billing for community solar projects? If so, do you recommend Utility Consolidated Billing or third-party provision of consolidated billing for community solar subscriber fees?

Yes, NRDC recommends the use of an opt-in model UCB-POR for community solar projects.

More specifically, UCB should use the purchase of receivables ("POR") model. Under the UCB-POR model, the utility would purchase the receivables of the community solar project; more simply, the utility would, for a reasonable fee, purchase the "debt" that the community solar provider expects to recover from subscribers, and then the utility would become responsible for collecting those subscriber fees. This has benefits for both customers and project developers.

From the customer's point of view, UCB-POR fundamentally changes the relationship between the customer and the community solar provider by placing all associated costs and savings on the subscriber's utility bill. This would enhance the customer experience for those that prefer a single bill. For LMI customers this is especially important, because increasing the number of bills that LMI customers must pay is a significant barrier, even if the result of their participating in a community solar project is a net savings.

From the community solar providers point of view, to the extent those project financing models require subscriber credit checks, UCV-POR would enable greater participation from customers with limited or no credit. Even for potential community solar customers with good credit, being subjected to a credit check for a community solar subscription is a barrier to participation. UCB-POR removes this barrier to participation for customers regardless of credit history by substituting the subscriber's credit risk with a default risk that will be pre-determined by the POR Discount (i.e., the fee charged by the utility to the community solar provider participating in UCB-POR). Additionally, financing parties will be more comfortable with this approach because credit checks are more widely eliminated, the addressable market of community solar participants is increased allowing greater substitutability of community solar customers for transfers and cancellations.

Finally, UCB-POR reduces billing and collection costs for community solar providers who might opt-in because they no longer have to pay to send bills, monitor collections, or experience lost

revenue as a result of customer non-payment. Therefore UCB-POR has the potential to reduce soft costs associated with community solar project development and operations.

Question 3: Please describe in detail how your proposed method of consolidated billing would work and the benefits you believe would be achieved by the used of consolidated billing for community solar.

NRDC recommends the following process for the implementation of UCB-POR:

1. The utility calculates the customer community solar bill credit for the production period
2. The utility makes the community solar bill credit report available to the provider to review and verify via a secure data exchange mechanism
3. The provider verifies the utility-provider bill credit report and provides the corresponding customer subscription charges and fees back to the utility
4. The utility then post both the community solar credit and subscription fee on the customers invoice
5. The utility then pays the provider for the community solar receivable less the established POR fee.

III. CONCLUSION

NRDC appreciates the opportunity to provide comment on this topic. New Jersey's community solar program is one of many on-going programs at the Board to grow the market to clean energy, particularly with regard to access for LMI customers. Therefore, NRDC recommends the Board and EDC's establish a program that reduces barriers to participation in community solar projects while providing adequate customer protections. Included with these comments is "Attachment A," below, which is a joint-comment letter to a similar proceeding in New York.

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

)	
New Jersey Community Solar)	
Energy Pilot Program)	Docket No. QO18060646
Consolidated Billing of Subscriber Fees)	
)	

COMMENTS OF NRG ENERGY, INC.

NRG Energy, Inc. (“NRG”) submits these comments in the above-captioned proceeding in support of developing options for implementing consolidated billing not only for community solar, but also for Third Party Suppliers (“TPS’s”) licensed by the Board of Public Utilities (“BPU” or “the Board”) to serve New Jersey retail customers – some of whom may also subscribe to community solar projects. The BPU Staff has asked detailed and thoughtful questions about how best to provide consolidated billing for community solar, including specific questions aimed at understanding market participants’ experience with Third Party Supplier Consolidated Billing (“TPSCB”) in other jurisdictions.

Who We Are

With a headquarters in Princeton, New Jersey, NRG is a leading integrated power company in the U.S. A Fortune 500 company, NRG creates value through best in class operations, reliable and efficient electric generation, and a retail platform serving residential, commercial, and industrial customers. NRG has approximately 23,000 MW of generation resources throughout the U.S., while our retail electricity providers serve more than six million customers across North America. The company has numerous licensed TPSs that are actively serving electricity and natural gas customers across New Jersey.¹ And, NRG’s retail companies currently send out more than three million consolidated bills each month to our customers in markets where TPSCB is available.²

New Jersey Customers Have A Choice

As the Board explores options for enabling consolidated billing for community solar providers, it is essential that the Board recognize that New Jersey’s electricity customers may purchase electricity not

¹ *Reliant Energy Northeast LLC d/b/a NRG Home/NRG Business* ESL-0093; *Green Mountain Energy Company* ESL-0098; *Energy Plus Holdings LLC* ESL-0087; *XOOM Energy New Jersey, LLC* ESL-0115; *Stream Energy New Jersey, LLC* ESL-0109; *Direct Energy Services, LLC* ESL-0078; *Direct Energy Business, LLC* ESL-0165; *Direct Energy Business Marketing, LLC* ESL-0142; and *Gateway Energy Services Corporation* ESL-0166.

² NRG’s retail companies send consolidated bills to customers in Texas, Georgia and Alberta, Canada every month, and have done so for more than a decade.

only from the regulated monopoly utilities, but also from TPSs licensed by the BPU, and that any billing solution that is adopted must recognize this fact. The Electric Discount and Energy Competition Act (“EDECA”) restructured New Jersey’s retail electricity market to rely on competition to deliver benefits to the state’s consumers. EDECA gave *all* New Jersey customers the ability to choose their electric supplier.³ Basic Generation Service (“BGS”) was designed to provide electricity service to customers who choose not to select a TPS and the regulated utilities continue to provide BGS more than 20 years later. Importantly, the legislature declared when it adopted EDECA that it is the policy of the State to “place greater reliance on competitive markets, where such markets exist, to deliver energy services to consumers in greater variety and at lower cost than traditional, bundled public utility service.”⁴

Community Solar is a market innovation enabled by the introduction of competition into the electricity supply market. NRG has long been a proponent of increasing access to renewable energy. One of NRG’s retail companies, Green Mountain Energy Company (“GME”), pioneered renewable energy for mass market customers. GME was the first retail supplier in the country to offer green power products to residential customers and has offered renewable options to mass market customers longer than any other retail supplier. Demand for renewable energy by Green Mountain customers led to the first utility scale wind power project in the Eastern U.S. – the Green Mountain Energy Wind Farm in Garrett, PA in 2000. We like to think we started the renewables revolution and we are certainly committed to seeing the adoption of renewable resources grow. TPSs are well situated to work with community solar developers to facilitate customer participation in their projects. This is a nascent market that needs more billing options in order to thrive. Enabling TPSCB in New Jersey is essential to helping this market grow.

TPSCB is Mandated by New Jersey Law

EDECA required the Board to implement a proceeding to establish the provision of Customer Account Services (“CAS”) so that customers could choose electric and/or gas suppliers to provide these services. EDECA defines CAS as “metering, billing, or such other administrative activity associated with maintaining a customer account.” EDECA clearly contemplates the provision of consolidated billing by licensed TPSs and gives the Board authority and direction to implement competitive metering and billing functions through required proceedings.

³ Notably, the legislature did not restrict the ability to shop for any customer class. All customers, including low- and moderate-income (“LMI”) customers, are permitted to shop and select the supplier and the product or service that meets their unique needs. Comments offered by some parties during the Board’s March 25, 2021 stakeholder meeting implied that community solar subscribers, particularly LMI customers, be required to take BGS service offered by the regulated utilities and to be billed through utility consolidated billing. NRG asserts that such shopping restrictions, if adopted, would violate EDECA and any proposals to this effect must be rejected.

⁴ N.J.S.A. 48:3-50a.(2).

In 2000, the Board instituted a proceeding to “determine the manner and mechanics by which customers may choose a supplier for some or all Customer Account Services.”⁵ Each of the state’s regulated utilities executed a separate, but identical, settlement document as a result of that proceeding with utility specific attachments appended to each settlement that laid out the basic requirements for TPSCB. For example, PSEG adopted a *Third Party Customer Account Services Master Agreement* and makes it available for execution by TPSs.

The Board’s Order indicates that it directed the New Jersey Billing Implementation/EDI work group to create process flows, business rules and EDI transactions, or other Board approved electronic data exchange protocols necessary to facilitate the implementation of TPSCB. However, NRG is not aware that such protocols and rules were ever developed and implemented. Despite this, each of the utility supplier tariffs and/or supplier master agreements contemplate and enable TPSCB. The provisions of these tariffs/manuals are ineffective because they have never been operationalized. No EDI transactions exist and no rules governing how TPSCB would work are in place that would allow any of the utilities to execute the CAS Agreement were a TPS to request it.

Regardless, it has been almost 20 years since the Board last considered this issue, and the CAS Order and Settlement Agreement represent a starting point for full TPSCB implementation. A Board decision in this matter directing TPSCB to be implemented in concert with the implementation of a permanent community solar program is an appropriate resolution to the barrier that the utility consolidated billing model presents to the availability of innovative products from TPSs. Community solar providers seeking to attract customers taking electricity service from TPSs to subscribe to their community solar projects should have the ability and option to enlist the consolidated billing services offered by TPSCB suppliers. Similarly, BGS customers who subscribe to a community solar project should have the option of being billed through the consolidated billing services provided by the regulated utilities.

Consumers Want One Bill

Customers desire the convenience of a single bill that includes all electricity-related charges. Choice is about giving customers what they want, and customers overwhelmingly have expressed a desire for simplicity.

In contrast, dual billing creates confusion. Customers cannot be expected to understand that they are required to pay two energy bills covering the same period of time from two separate energy companies (whether it be bills from a utility and a TPS, a utility and a community solar provider, a TPS and a community solar provider, or a utility, a TPS *and* a community solar provider). While we like to think customers always understand the difference between supply and delivery (or supply and SRECS and delivery), the reality is that a large number of them do not. And a customer who has any doubts about paying two separate bills is more likely to pay the bill from the monopoly utility that has always billed

⁵ *I/M/O The Electric Discount and Energy Competition Act of 1999 Customer Account Services*, Docket No. EX99090676 (the “customer account service,” or “CAS Orders”).

them before they pay a TPS or a community solar provider – even though the customer chose those services. Moreover, dual billing does not address the inherent inequities of allowing the utility to be the only entity that is able to offer consolidated billing services. Such an imbalance creates the impression for customers that the utility is somehow superior, even though such an impression may be far from the truth. In short, dual billing is not a viable alternative for suppliers or community solar providers.

Finally, TPSCB aligns with what customers expect from their service providers. Customers expect to be billed by, and pay, the provider of the goods and services they consume. There are no other commodities or services that a customer purchases where the customer is billed by, and pays, the company that delivered that product or service. For example, customers do not receive a bill from and pay the United Parcel Service for purchases delivered to their homes and businesses. Stores that sell light bulbs do not require customers to pay a separate delivery charge to the trucking company that transported the products to the store. Rather, in these and other examples, the delivery charges are billed by the merchant as part of the cost of the product.

TPSCB Benefits Consumers

TPSCB is an essential communication tool that allows a TPS to establish a relationship and build brand recognition with its customers. TPSCB enables a supplier to demonstrate its proficiency and competence at meeting the customers' needs and increases the supplier's visibility with its customers. With increased visibility comes increased accountability to its customers. It becomes much more difficult to charge unreasonably high prices for suppliers who own the responsibility to collect payments for those charges. Suppliers offering TPSCB are no longer able to hide on page four of the utility bill. For this reason, TPSCB can be viewed as possibly the most effective consumer protection tool – bringing transparency to the customer supplier relationship.

With the implementation of TPSCB, New Jersey customers would gain access to more innovative products and services. Not only would they be able to get a single bill that includes their community solar charges, they would also gain access to tools that enable them to budget their energy dollars more effectively. With SCB, TPS's can offer payment plans that allow customers to decide how much they want to spend on electricity and manage their energy usage accordingly – options that are currently unavailable.⁶ New value-added and bundled services, such as home security, HVAC maintenance, surge protection, demand response, energy efficiency services, energy monitoring and smart thermostats will become more readily available – with the charges for all services consolidated on one easy to understand, consumer friendly bill.

TPSCB is essential to enabling the TPS's business to grow and thrive. The billing relationship is an important factor in improving customers' satisfaction with the service they receive.

⁶ Examples include flat bill products and pre-pay plans that mimic plans that are common in the telecommunications sector.

NRG Responses to Stakeholder Questions

Question 1: In New Jersey, customers who purchase their electricity supply from a Third Party Supplier (TPS) are typically billed by their EDC. Known as Utility Consolidated Billing, the customer receives a single bill that includes supply charges and related taxes from its TPS and delivery charges and related taxes and charges from its utility. Occasionally, in NJ and in other jurisdictions, dual billing is employed where a customer receives a bill from the customer's utility company that includes only the utility's charges and a separate bill from the customer's TPS that includes only the TPS charges. In other jurisdictions, the TPS sends the utility bill to the customer, which contains all of the utility's relevant charges. This billing methodology is sometimes called TPS Consolidated Billing.

What lessons can be drawn from consolidated billing for TPS customers with respect to its potential application to community solar? What are the advantages or disadvantages of Utility Consolidated Billing, TPS Consolidated Billing and dual billing as they apply to community solar?

NRG Response: Community solar requires a billing scheme which includes a subscription fee, bill credits and in many cases additional text fields to describe the transaction. Currently, the utilities' consolidated bills accommodate charges from TPSs, but not from community solar providers, who are left with no other option than to send their customers a second, standalone bill for their charges. As noted above, dual billing of energy charges is not an effective way of communicating with customers and leads to confusion and a poor customer experience.

NRG agrees that it is important that community solar customers see the costs and benefits of these services all in one place so that they fully understand the products they are buying and the benefits these programs are providing to the community. As described by the utilities during the March 25, 2021 stakeholder meeting, operational changes are required to enable the Utility Consolidated Bill ("UCB") to include charges from community solar providers (e.g., adding new sections onto the bills, new line items, the ability to show subscription fees and credits, etc.). In addition, new business rules and data exchange protocols would need to be created, and community solar providers would need to be certified to transact with the utilities through EDI in order to transmit data to the utilities.

NRG's retail companies in NJ currently bill all their customers through UCB (due to the absence of TPSCB) and can attest that UCB's usefulness in communicating with customers about their supply service is limited. TPS's are limited as to the number of lines and the number of characters per line they may put on the utility bill, and suppliers have no input on how the information is presented or where it appears on the bill. And if customers receive electronic billing, which customers increasingly choose to do, at least one utility masks the name of the supplier in its online bill presentation to customers – identifying the supplier charges simply as,

“Third Party Electric Supply,” or “TPS Energy Charge”. The only way a customer can see the name of the supplier is to download a pdf of the actual bill, a step that arguably few customers take the time to do.

In NRG’s experience, TPSs have more flexibility to bill for community solar and other value-added products and services and are experienced at presenting information about these services in a way that is easily understood by the customer. As mentioned above, TPSCB is the key to seeing true innovation in the State and enabling customers to receive all types of products including community solar, unique retail electricity products suited for Electric Vehicles and reducing demand during peak hours. TPSCB must be enabled to unlock this innovation and provide another consolidated billing option to community solar providers serving customers who exercise their right to shop.

Question 2: Do you recommend implementation of some form of consolidated billing for community solar projects? If so, do you recommend Utility Consolidated Billing, or third party provision of consolidated billing for community solar subscriber fees (Subscriber Organization Consolidated Billing)? Please consider this question from the perspective of billing implementation and administration, community solar project financing, and subscriber (customer) protection.

NRG Response: NRG urges the Board to fulfill its statutory obligation to require the implementation of TPSCB for the reasons noted above. TPSCB is essential for TPS’s to offer consolidated billing services to community solar providers serving TPS customers. NRG does not oppose a requirement for the regulated utilities to extend their UCB billing services to community solar providers for BGS customers that subscribe to their services. Importantly, the utilities should be directed to implement the changes necessary to effectuate *both* billing scenarios *concurrently*, as the same billing systems and EDI transactions will be leveraged in both billing scenarios. Implementing the necessary changes to these systems will be more efficient and cost effective if done at the same time. Additionally, the utilities must be able to recover the costs incurred to make the required changes.

Question 3: Please describe in detail how your proposed method of consolidated billing would work and the benefits you believe would be achieved by the use of consolidated billing for community solar. If you are or represent a community solar developer or subscriber organization, please speak specifically to your experience. Please address all related issues, including the following:

- Would the bill be sent by the utility (Utility Consolidated Billing) or the subscriber organization (Subscriber Organization Consolidated Billing)?
- How would your proposal address customer nonpayment of bills, partial payment of bills, and late payment of bills? In cases of partial payment of bills, which portion of the bill should the payment be allocated towards?

- Should customers be dropped from consolidated billing for late payments?
- Discuss any purchase of receivables issues.
- Discuss any issues relating to consumer credit.
- Should there be a fee using consolidated billing and, if yes, what should it be?
- Discuss any consumer protection implications of utilizing consolidated billing for community solar, including data privacy and data protection.
- How would customer specific data be exchanged?

Alternatively, please address why you and/or your organization prefer dual billing.

NRG Response: As noted above, NRG recommends that community solar providers be provided with multiple consolidated billing options in order to meet the needs of both shopping and non-shopping customers. TPSCB must be implemented to satisfy the legislative intent outlined in EDECA that TPSs have the ability to offer customer account services, namely consolidated bills, to their customers. Similarly, the utilities should be required to modify UCB to accommodate community solar charges (“UCB for solar”) so that BGS customers can receive a consolidated bill that includes community solar charges.

In a TPSCB/UCB for community solar environment, the billing entity (i.e., either the TPS or the utility) would send bills to their respective electricity supply customers that include both community solar provider charges (e.g., subscription fees, credits, etc.), as well as electricity supply and delivery charges. The billing entity (i.e., the TPS or the utility) would then manage credit and collections for their respective customers as governed by the Board’s regulations.

Similarly, the billing entity (i.e., TPSCB supplier or utility providing UCB services) would purchase the receivables of the community solar provider. For TPSCB, the TPS would purchase the utility’s receivables for their delivery charges. In other markets where TPSCB is operational, utility receivables are purchased in full and without recourse. Similarly, TPSs and community solar providers must be free to negotiate mutually acceptable terms for the treatment of the community solar provider’s receivables.

Finally, usage and billing data would be exchanged via EDI the way it is exchanged today between TPSs and EDCs, and modifications to the existing EDI transactions are necessary to effectuate these new billing scenarios. Rules would need to be developed to govern a variety of other processes, including late payment fees, deposit requirements, data privacy, etc. The Maryland Public Service Commission recently approved rules to implement TPSCB, and those rules can serve as a starting point for discussions in New Jersey.

Questions 4 - 7:

NRG Response: N/A

Question 8: Please provide comments on the following framework for utility consolidated billing of subscriber fees, which is currently being implemented in New York:

- a. Utility consolidated billing of subscriber fees is optional for community solar projects. If a project chooses utility consolidated billing of subscriber fees, all subscribers enrolled in that project are billed via utility consolidated billing (with the exception of one anchor subscriber per project).
- b. In order to participate in utility consolidated billing, all subscribers enrolled in the project must receive a percentage of their original community solar credit on their bills each month. Currently, this minimum percentage is five percent (5%) in New York.
- c. The subscriber fee is a percentage of the subscriber's original community solar credit each month. The dollar amount of the subscriber fee varies each month based upon the underlying community solar credit.
Example: The subscriber fee is 90% of a customer's community solar credit. On the monthly bill, the customer receives 10% of their credit. The remaining 90% of the credit is remitted by the EDC to the subscriber organization less the administrative fee retained by the EDC.
- d. At least 60 days prior to operating under a consolidated billing framework, the community solar project owner must provide the EDC with the percentage of the subscriber community solar credits that is available to be applied to the subscribers' bills.
- e. The same percentage must be applied to all subscribers for the same project (with the exception of an anchor subscriber, if applicable, that will receive its entire community solar credit on its utility bill and is billed by the community solar project owner for subscription fees). The percentage can change no more frequently than every six (6) months.
- f. Subscriber organizations must agree to use the EDC's communication tool for sharing subscriber percentage information.
- g. The EDC retains a portion of the subscriber fee to compensate for their implementation and administrative costs associated with utility consolidated billing. This results in the Subscriber Fee percentage in item "c" above being reduced.
- h. The EDC receives timely recovery of subscriber credits through a surcharge or similar mechanism.

NRG Response: NRG takes no position on the fee structure adopted by the utilities to offer consolidated billing services to community solar providers. TPSs offering TPSCB services to community solar providers must be free to negotiate a fee structure with community solar providers that are mutually satisfactory to both parties to the transaction.

Question 9: If you disagree with any portion of the framework in Question 8, please describe in detail the framework you would support (or refer to your response to Question 3, as relevant). Include specific examples from other jurisdictions, if possible.

NRG Response: See NRG's response to Questions 3 and 8 above.

Questions 10 - 13:

NRG Response: N/A

Conclusion

NRG appreciates the opportunity to offer its perspective on the consolidated billing options that will deliver the best experience for New Jersey's customers. In a competitive retail market where innovation continues to produce new and exciting solutions, and where customers exercise their right to choose the service providers, products and services that meet their unique needs, consolidated electricity bills offered by the customer's chosen energy supplier (TPS or utility) is the only answer that will satisfy New Jersey customers' expectations.

Respectfully submitted,

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April 9, 2021



Docket No. QO18060646, Community Solar Consolidated Billing of Subscriber Fees

Joint Solar Association Comments

April 9, 2021

I. Introduction

In response to the New Jersey Board of Public Utilities' ("BPU") March 11, 2021 Public Notice soliciting comments regarding community solar consolidated billing, the Solar Energy Industries Association ("SEIA"), Coalition for Community Solar Access ("CCSA"), and the New Jersey Solar Energy Coalition ("NJSEC") offer these comments. We thank the BPU for hosting the March 25th stakeholder meeting and look forward to enhancing the customer experience in New Jersey's eventual permanent Community Solar Program.

SEIA is the national trade association for the United States solar industry. With more than 1,000 member companies nationwide, SEIA is leading the transformation to a clean energy economy, creating the framework for solar to achieve 20% of U.S. electricity generation by 2030. SEIA works with its 1,000 member companies and other strategic partners to fight for policies that create jobs in every community and shape fair market rules that promote competition and the growth of reliable, low-cost solar powers.

CCSA is a national Coalition of businesses and nonprofits working to expand customer choice and access to solar energy for all American households and businesses through community solar. CCSA's mission is to empower every American energy consumer with the option to choose local, clean, and affordable community solar. We work with customers, utilities, local stakeholders, and policymakers to develop and implement policies and best practices that ensure community solar programs provide a win, win, win for all, starting with the customer. Our members are actively engaged in New Jersey's Community Solar Market and we appreciate the opportunity to comment on New Jersey's successor solar program.

NJSEC was formed to create public policy support for New Jersey's solar industry. NJSEC works in legislative outreach, education and the development of realistic public policy alternatives that align with the fiscal and social circumstances that are unique to New Jersey. NJSEC members include local and national developers, SREC market traders and analysts, engineers, legal and accounting professionals supporting all phases of New Jersey's solar industry.

SEIA, CCSA, and NJSEC are supportive of implementing consolidated billing as an option for Community Solar Subscriber Organizations. Optional participation should be structured to allow Community Solar Subscriber Organizations to opt-in, but it would not be mandatory. Specifically, SEIA, CCSA, and NJSEC are strongly supportive of implementing the option for net crediting for community solar to enhance participation and decrease market risks. If implemented properly with a reasonable fee structure and with a transparent, easy-to-understand customer interface; net crediting can provide



direct benefits to New Jersey community solar customers—including low-to-moderate (“LMI”) subscribers---and help New Jersey achieve its clean energy and equity goals by enabling greater access to community solar development at lower cost.

II. Net Crediting through Consolidated Billing

Under the Pilot Program, Community Solar Subscriber Organizations enroll individual customers as “subscribers” to their projects. Subscriber Organizations allocate a percentage of their community solar project’s energy production to each subscriber and the subscribers, in turn, receive community solar bill credits on their utility bills based on their allocated share of power produced. Under the Pilot Project regime, customers pay their subscription fees directly to the Subscriber Organization and separately receive the bill credits associated with their subscription on their utility bill. Across the nation, multiple billing systems have been frequently cited as an impediment to increasing participation in community solar programs. An option for net crediting consolidated billing would remove billing and collection barriers to community solar, particularly for LMI subscribers. Under net crediting, as is implemented in New York, the utility would manage the allocation of credits to customers and developers and remove the need for billing and collection between the Subscriber Organization and the subscriber. Net crediting is structured so that the utility will allocate a net credit to the subscriber and the remaining credit to the Subscriber Organization, minus a utility administration fee (which may be equivalent to 1% of the total credit). Net crediting with the purchase of receivables (POR), removes the need for a Subscriber Organization to collect subscription fees from subscribers and also removes the barrier of non-payment of subscription fees to Subscriber Organizations subscribers. The combination of consolidated billing with net crediting and POR dramatically simplifies the billing equation for the subscriber, the Subscriber Organization, and ultimately the EDCs. Under a net crediting program, the subscriber only receives a credit on their bill without having to worry about additional fees. This also relieves financing risks for collection, which will support the LMI community’s participation in the community solar program.

From the customer’s point of view, consolidated billing through net crediting fundamentally changes the relationship between the customers and the Subscriber Organization by placing all community solar subscription information on the subscriber’s utility bill. This will enhance the customer experience for those that prefer a single bill. For LMI customers this is especially important, because increasing the number of bills that LMI customers must pay is a significant barrier—even if the result of their participation as a subscriber is a net savings.

This billing format also enables greater participation from customers with limited or no credit. Being subjected to a credit check for a community solar subscription is a barrier to participation, even for potential subscribers with good or excellent credit scores. Furthermore, the net crediting model would further ameliorate the barrier since there is no billing and collection between the Subscriber Organization and the subscriber, which removes the hard and soft costs.

As credit checks are more widely eliminated, the addressable market of community solar participants increases, which allows great substitutability for any subscriber transfers and cancellations. As a result, the overall risk profile for some projects can improve, projects become more cost-effective



from a financing perspective, and volatility in the market can decrease. Though the financial community is increasingly comfortable with community solar as a product offering, innovations like net crediting approaches can therefore accelerate the attractiveness of community solar to additional financiers and bring down financing costs even further.

Additionally, because net crediting reduces billing and collection costs for Subscriber Organizations who opt in and no longer need to send bills, monitor collections, or experience lost revenue because of customer non-payment, net crediting has the potential to reduce soft costs associated with community solar project development and operations.

However, it is worth noting that despite the many benefits of the net crediting approaches, it is important to remember that any soft cost reductions will be offset to some extent by any fees the utility will charge to offer the services. As previously stated, the implementation of the net crediting participation will fundamentally change the customer relationship with Subscriber Organizations and their interaction with a community solar facility. Many community solar providers will continue to engage in customer acquisition, customer relationship management, and customer churn, even if they are no longer conducting the actual billing. Therefore, the amount of soft cost reductions achievable from net crediting should not be overestimated. Indeed, the actual cost savings to projects owners will be heavily dependent on any fee structure approved by the BPU. Moreover, SEIA, CCSA, and NJSEC recommend that a percentage of the billed amount is preferable over a per customer fee since it is easier to align with the community solar product offering. We also urge the Board to ensure any consolidated billing option is consistent with the overall goals of the Community Solar Program, which provides parity for customers who are unable to host rooftop solar to similarly experience the benefits of solar energy—the savings and the experience. Without rooftop panels and the direct flow of electricity, these customers are reliant on the billing process and communication with subscriber organizations to experience and track their participation. Maintaining this customer relationship ensures a subscriber will remain connected to their individual contribution to combat climate change and experience the full benefits of their community solar subscription.

In light of that consideration, for consolidated billing through net crediting to be implemented successfully and anchored in customer experience and cost-effective market measures, consolidated bills must provide community solar subscribers with (1) a clear and precise accounting of the net community solar bill credits to both the subscriber and the Subscriber Organization; (2) specific information describing where (community solar provider/project) and when their credits were generated; (3) a detailed accounting of any administrative fees charged by the Utility; and (4) purchase of receivables. Finally, there should be provisions to ensure accuracy for the application of credits and accountability or procedures to resolve any errors.

III. Responses to Specific Questions

- 1) What lessons can be drawn from consolidated billing for TPS customers with respect to its potential application to community solar? What are the advantages or disadvantages of Utility Consolidated Billing, TPS Consolidated Billing and dual billing as they apply to community solar?***



Dual billing is the default method used in successful community solar programs in other states and while it has a logistical disadvantage for some customers, it allows subscriber organizations flexibility to clearly communicate the benefits of a subscription to the customer. As noted above, the billing process is the primary method by which customers interact with their community solar subscription organization, and as such how that information is presented and communicated is critical for the customer experience. Entrepreneurial companies are incentivized to make this value as clear and transparent as possible in every interaction with the customer, but especially in designing the visual impact of their invoices. These communications serve to create trust between the subscriber organization and subscriber and can emphasize not only the monthly, but lifetime savings of the project to the customer, as well the environmental impact in salient terms of “trees planted” or “cars taken off the road.” Thus, it is important that consolidated billing does not undermine the connection between the subscriber and the local solar project they are subscribed to.

In many ways consolidated billing for community solar could mirror the existing system for electric and natural gas third-party supplier transactions, where electric distribution companies (EDCs) already bill customers, collect revenues, administer collection (or termination) activities, and pay Third Party Suppliers on a regular basis. If implemented properly with a reasonable fee structure that is transparent, and has an easy-to-understand customer interface, consolidated billing with a net crediting approach will benefit customers who often find it confusing and cumbersome to pay two bills for electricity and reduce soft costs for community solar developers and subscriber organizations. Additionally, SEIA, CCSA, and NJSEC believe strongly that a net crediting approach to consolidated billing can help community solar be a critical tool for increasing equity and justice in our energy system, helping traditionally underserved communities benefit from the state’s transition to a clean energy economy. We urge the Commission to consider the net crediting model.

2) Do you recommend implementation of some form of consolidated billing for community solar projects? If so, do you recommend Utility Consolidated Billing, or third party provision of consolidated billing for community solar subscriber fees (Subscriber Organization Consolidated Billing)?

Yes, SEIA, CCSA, and NJSEC recommend consolidated billing and net crediting as an option for Community Solar Subscriber Organizations, however we want to emphasize programmatic consistency regardless of the entity consolidating charges. We believe however, that any approval of a utility consolidated billing program should also provide for competition through approval of Third Party Supplier consolidated billing.

3) Please describe in detail how your proposed method of consolidated billing would work and the benefits you believe would be achieved by the use of consolidated billing for community solar. Please address all related issues, including the following:

a) Would the bill be sent by the utility (Utility Consolidated Billing) or the subscriber organization (Subscriber Organization Consolidated Billing)?



- b) How would your proposal address customer nonpayment of bills, partial payment of bills, and late payment of bills? In cases of partial payment of bills, which portion of the bill should the payment be allocated towards?***
- c) Should customers be dropped from consolidated billing for late payments?***
- d) Discuss any purchase of receivables issues.***
- e) Discuss any issues relating to consumer credit.***
- f) Should there be a fee using consolidated billing and, if yes, what should it be?***
- g) Discuss any consumer protection implications of utilizing consolidated billing for community solar, including data privacy and data protection.***
- h) How would customer specific data be exchanged?***

If requested by a community solar organization, an electric distribution company (EDC) shall enter into a net-crediting agreement with the community solar organization to include a subscriber's subscription fee on their monthly bill and provide the customer with a net credit equivalent to the total bill credit value for that generation period minus the subscription fee, provided the subscription fee is structured as a fixed percentage of bill credit value. The net crediting agreement shall set forth payment terms from the EDC to the community solar organization and EDCs may charge a net crediting fee to the community solar organization that may not exceed one percent of the bill credit value. Under this optional consolidated billing approach, the EDC shall remain responsible for billing all basic electric services, including transmission, distribution, and generation charges, but Subscriber Organizations will be responsible for customer inquiries related to their subscription. Subscribers will receive a single consolidated bill with clear and precise accounting of community solar bill credits, specific information describing where (community solar provider/project) and when their credits were generated, and a detailed accounting of any community solar subscription information and administrative fees charged by the Utility. This simplified payment structure will greatly improve the customer experience, remove barriers to community solar participation—especially for low-income customers—and reduce soft costs associated with community solar project development and operations.

It is possible that community solar subscribers will be more likely to pay their utility bills than non-community solar customers because the customer has already expressed a proactive interest in managing their electricity choices or because timely payment will ensure they can remain on the community solar subscription, which in many cases will result in a cost savings to the customer. As a result, it is possible that community solar consolidated billing will help utilities reduce their typical uncollected costs. However, the utility should advise the subscriber directly of any nonpayment consistent with current practice, separate from the customer bill, and notify the Subscriber Organization. Indeed, many of these issues can be avoided through net crediting which removes any need for billing between the Subscriber Organization and the Subscriber. Additionally, data sharing between utilities and Subscriber Organizations can be made easier and more efficient to further reduce barriers.

- 4) If you are or represent a community solar developer or subscriber organization, please describe in detail the terms of the agreement between the subscriber and the subscriber organization.***



Net crediting agreements between Subscriber Organizations and EDCs should set forth payment terms from the EDC to the community solar organization and clarify that EDCs may charge a net crediting fee to the community solar organization that may not exceed one percent of the bill credit value.

5) *Do any subscriber organizations currently use consolidated billing for community solar subscriber fees in other jurisdictions?*

Yes, New York has begun to embrace a “Net Crediting” billing model, in which utilities make direct payments to community solar providers for the value of their community solar production, minus a fee, and then allocate the “net” credits to consumers on their utility bills.

Virginia is also embarking on an optional net crediting approach where the utility may charge a net crediting fee not to exceed 1% of the bill credit value and each utility shall, on a monthly basis and in a standardized electronic format, provide the subscriber organization a report indicating the total value of bill credits generated by the community solar facility in the prior month, as well as the amount of the bill credit applied to each subscriber.

Furthermore, Pennsylvania is contemplating legislation to enable community solar that provides for optional net crediting agreements between subscriber organizations and EDCs. These net crediting agreements would include a subscriber’s subscription fee on the monthly bill and provide the customer with a net credit equivalent to the total bill credit value for that generation period minus the subscription fee, provided the subscription fee is structured as a fixed percentage of bill credit value. The net crediting agreement would also set forth payment terms from the EDC to the community solar organization and clarify that EDCs may charge a net crediting fee to the community solar organization that may not exceed one percent of the bill credit value.

6) *Are subscriber organizations paying an administrative fee to EDCs for the use of consolidated billing of subscriber fees in other jurisdictions? If so, how is it structured? If not, how does the EDC recover those costs?*

SEIA, CCSA, and NJSEC recommend that fees charged for consolidated billing take into account administrative functions specific to consolidated billing and not contemplated in other IT and billing system upgrades the EDC is already planning to make.

7) *Should consolidated billing of community solar subscriber fees only be available to projects that provide a guaranteed monthly savings to subscribers? If not, would the provider of consolidated billing be expected to charge subscribers for their community solar participation resulting in an amount due greater than the amount due for electric service? Should this result be permitted for low- to moderate-income (LMI) customers?*

SEIA, CCSA, and NJSEC support the intent of ensuring that customers do not experience a net cost associated with their participation in community solar subscriptions, especially for LMI customers. While being overly prescriptive about the savings or the discount may inadvertently stifle business model innovation and products that have value propositions tailored to specific customers, customers, most importantly LMI customers, should see a net savings if participating in community solar. In the New York



net crediting program, subscriber organizations must commit to at least a 5% guaranteed savings to participate, a relatively low bar to clear, but meaningful savings as a program savings floor.

- 8) Please provide comments on the following framework for utility consolidated billing of subscriber fees, which is currently being implemented in New York:**
- a) Utility consolidated billing of subscriber fees is optional for community solar projects. If a project chooses utility consolidated billing of subscriber fees, all subscribers enrolled in that project are billed via utility consolidated billing (with the exception of one anchor subscriber per project).**
 - b) In order to participate in utility consolidated billing, all subscribers enrolled in the project must receive a percentage of their original community solar credit on their bills each month. Currently, this minimum percentage is five percent (5%) in New York.**
 - c) The subscriber fee is a percentage of the subscriber's original community solar credit each month. The dollar amount of the subscriber fee varies each month based upon the underlying community solar credit.**
 - Example: The subscriber fee is 90% of a customer's community solar credit. On the monthly bill, the customer receives 10% of their credit. The remaining 90% of the credit is remitted by the EDC to the subscriber organization less the administrative fee retained by the EDC.**
 - d) At least 60 days prior to operating under a consolidated billing framework, the community solar project owner must provide the EDC with the percentage of the subscriber community solar credits that is available to be applied to the subscribers' bills**
 - e) The same percentage must be applied to all subscribers for the same project (with the exception of an anchor subscriber, if applicable, that will receive its entire community solar credit on its utility bill and is billed by the community solar project owner for subscription fees). The percentage can change no more frequently than every six (6) months.**
 - f) Subscriber organizations must agree to use the EDC's communication tool for sharing subscriber percentage information**
 - g) The EDC retains a portion of the subscriber fee to compensate for their implementation and administrative costs associated with utility consolidated billing. This results in the Subscriber Fee percentage in item "c" above being reduced**
 - h) The EDC receives timely recovery of subscriber credits through a surcharge or similar mechanism.**

SEIA, CCSA, and NJSEC members report that consolidated billing and net crediting has lowered the barriers to adoption by customers and has, in general, simplified the customer experience. It has also reduced the need for subscriber organizations to collect payment information upfront, which is frequently cited as the single biggest barrier to subscriber enrollment.

Regarding item a, the joint commenters recommend clarifying that the "anchor" is an anchor customer, rather than an anchor account. Some anchor customers may have multiple accounts. For instance, if the exception is only allowed for one anchor account, that could be complicated for anchor customers that



are assigning credits to multiple accounts as often seen with housing facilities with multiple meters, for example.

For item e, SEIA, CCSA, and NJSEC strongly recommend flexible savings levels instead of requiring the same percentage of savings for all customers. In order to address energy burdens carried by some customers, flexible savings will enable community solar providers to allocate additional cost savings to low- and moderate-income customers. One limitation of New York's net crediting program is that it does not allow flexibility in enrolling multiple accounts for an anchor customer, such as a Town or Municipality- New York requires only a single utility account for an anchor customer can be held at a different rate than the other satellite customers. It would be important to allow for this flexibility so Towns, Municipalities and other public entities can have the flexibility to aggregate multiple Town accounts to benefit from a solar project as an anchor tenant.

In reference to item f, we oppose being required to use the EDCs communication tool for sharing subscriber percentage information. It is the recommendation of the joint commenters to ensure consolidated billing be optional for subscriber organizations. Therefore, this requirement could impede subscriber organizations who opt out of participation from being able to properly and accurately communicate subscription and savings to the subscribers. For subscriber organizations who opt into the program, we would advocate for a standardized communication tool to be adopted by all of the EDCs to ensure transparency, which we discuss in greater detail in response to question 13. Furthermore, a billing and crediting workgroup should be established between industry leaders, participating subscriber organizations, consumer advocates, the EDCs, and any other stakeholder the Commission staff deems appropriate, to discuss the EDC's communication tools, reporting requirements and timelines, bill credit accuracy, and any other issue that may need to be addressed.

With regards to item g, the subscriber fee and the fee percentage should not be substantial. It is a best practice to ensure the fee percentage retained by utilities is currently no higher than 1%, as seen in New York and Virginia. The same 1% fee structure has also been proposed in the Pennsylvania legislation to address consolidated billing and net crediting.

Lastly, SEIA, CCSA, and NJSEC recommend updating utility customer subscription lists monthly. A clear process and timeline for utilities to accept subscriber information and update customer lists each month, communicated clearly to subscriber organizations, will be important to a successful program. Minimally, this will be critical to ensure all bill credits are allocated to customers in a timely and accurate fashion. Members have experienced significant delays and lack of transparency with customer updates in other markets, such as Maryland and Washington D.C. New Jersey is in a position to set up a framework that delivers on the goals by ensuring community solar customers' needs and savings are realized in a timely and reliable manner.

9) *If you disagree with any portion of the framework in Question 8, please describe in detail the framework you would support (or refer to your response to Question 3, as relevant). Include specific examples from other jurisdictions, if possible*



New York's consolidated billing program does not allow for subscriber organizations to offer different discounts to different subscribers on the same project. Subscriber organizations routinely offer different discounts for LMI subscribers who will generally receive a greater discount relative to others. This is obviously beneficial for the LMI subscribers, but it also reflects the market reality that LMI subscribers are more difficult to acquire and the increased discount improves participation.

If subscriber organizations are not able to differentiate offers, the result will almost certainly be all subscribers receiving the lower offer. For most LMI subscribers, the greater discount is likely to outweigh any logistical advantages of consolidated billing. To achieve the goals of serving overburdened communities, SEIA, CCSA, and NJSEC strongly recommend allowing for subscriber discount flexibility by project.

As the Board evaluates consolidated billing, stakeholders must continue to be involved in the process and vetting of any consolidated billing option. The lack of ability to differentiate offers to subscribers is an obvious flaw in the New York program that has altered the market substantially, and for the worse. The Board can avoid this by continuing a robust stakeholder process and ensuring that any option is truly viable for the New Jersey market.

10) In the case of Utility Consolidated Billing, if you are a community solar subscription organization, should you opt to participate in Utility Consolidated Billing would you maintain backup billing procedures to bill customers who fail to pay the EDC for their community solar subscription? What other options would you suggest to address the risk of non-payment by customers?

SEIA, CCSA, and NJSEC strongly recommend net crediting with purchase of receivables as a solution to non-payment. Net crediting with POR would fully remove the risk of non-payment of community solar subscriptions since the customer receives the net credit and is not required to pay community solar subscription costs. The remaining net credit, minus any utility administration fees is then paid to the Subscriber Organization. The net crediting with POR model is therefore the best approach to removing the risks of non-payment.

11) What are the potential challenges to implement consolidated billing for community solar? How can these challenges be addressed?

An important consideration is the presentation of the subscription credits and charges on a subscriber's bill. Credits, charges, and other information regarding a community solar subscription should be clearly marked and accessible on a subscriber's bill and should specifically note that it is a "community solar credit" or the equivalent, as well as the specific subscriber organization applying the credit. This is essential information for the subscriber to be able to understand and track their subscription. It is also crucial to the broader goal of the program to provide a direct connection between a subscriber and a local solar project that this information is accessible and not buried such that subscribers will be able to find it easily.

Under the net crediting model, there should also be a process for ensuring that the utility allocates credits to the Subscriber and Subscriber Organization in a timely fashion. There should be a mechanism



in place to easily solve any mistakes in billing and allocation, or if credits are not allocated on a timely basis.

Subscriber organizations will also need to be able to track what is being applied to subscribers' bills, and to be able to verify for accuracy.

While consolidated billing has many benefits and guidelines and automated processed should limit errors, experience in other states has shown that errors are likely a feature of any program. As a result, there should be an orderly process in place to quickly correct any error within 30 days of their identification and if errors continue to occur or are unable to be resolved, there should be a formal path to raise those issues with the BPU to assist in resolution. One lesson learned from other states, such as New York, is that it is useful to have an open forum to raise and work through implementation issues around the billing process. As a result, the BPU should consider forming a Billing and Crediting Working group, made up of representatives from the EDCs, Subscriber Organizations, and Commission Staff, to tackle these issues on an ongoing basis.

12) If Utility Consolidated Billing were available, how would subscriber billing inquiries be handled? Would subscriber inquiries regarding subscriber fees and/or community solar credits be handled by the subscribing entity or the developer, or would the utility be required to take on that role?

Efficient, timely, accurate crediting of customer utility bills and communication between Subscriber Organizations and the utility is vital to a satisfactory customer experience. Subscriber organizations should provide customers an address and telephone number for customer inquiries and complaints regarding services provided by the subscriber organization and that number should be stated on all customer-billing statements provided by the utility, which enables customers the opportunity to interface with their subscriber organization regarding their subscription. Subscriber organizations should immediately direct a customer to contact their utility if the customer has a service emergency or non-community solar subscription inquiry, and such direction can be given both by a customer service representative of the Subscriber Organization or by a recorded message on their telephone number.

On the other hand, customer support representatives for utilities should be trained on New Jersey's Community Solar Program and be able to generally communicate with customers on the relationship between the utility and Subscriber Organizations and to refer subscribers, as necessary, to the relevant Subscriber Organization contact person.

In other states, customers with questions may reach out to the utility instead of the contact at the Subscriber Organization, but customer support representatives may not be aware of the program, leading to customer confusion. Ensuring an awareness and general knowledge of the program, and the relationships between Subscriber Organizations and the utilities, will benefit utility customers on where to go for specific inquiries. Furthermore, the Billing and Crediting Working Group should help address any issues that arise around relevant billing inquiries or billing errors on an ongoing basis.

13) If Utility Consolidated Billing were available, how would subscriber billing information be provided to the utility?



SEIA, CCSA, and NJSEC recommend that BPU create a standard template that all utilities and subscriber organizations would use to exchange data. Subscriber organizations should have equal access to data, regardless of whether they choose to participate in consolidated billing or not. All stakeholders would have to agree on the data format and the validation checks that files would have to pass for files to be accepted, but at a minimum the following data would need to be exchanged via secured electronic communication:

- Customer name
- Utility Account number
- Total system generation (kWh and dollar value and allocated %)
- System generation allocated to subscriber (% and kWh)
- System generation allocated to Subscriber Organization (% and kWh)
- Subscriber Organization Balance (kWh, and \$, if applicable)
- Credits allocated to customer (kWh)
- Value of Credits allocated (kWh and dollar value)
- Credits applied to customer balance
- Customer banked credits that are available, if any
- Charges from Subscriber Organization
- Balance of any banked credits & charges
- Production period
- Billing period of subscriber
- Estimated date of credit application
- Customer rate class
- Final billed customers (name, account number, final bill date, credit balances)

Secured electronic communication is necessary for successful consolidated billing. Email will not accommodate scale and is subject to inefficiencies such as manually entering passwords into protected documents, manually downloading and uploading files sent as email attachment, among others. Ideally, information should be communicated by API, though other options are possible, such as the use of cloud-based customer relationship management software (which has been proven as a reliable option for sharing information in Xcel's community solar garden program in Minnesota), and Secure File Transfer Protocol (SFTP), although there is likely less automation available with this option and SFTP's ability to accommodate scale is likely limited.

Relying on existing infrastructure used in New Jersey for retail suppliers—Electronic Data Interchange (EDI)—is also a possibility, though SEIA, CCSA, and NJSEC caution against requiring the use of existing New Jersey Electronic Data Interchange (EDI) protocols without considering other options that might be less cost prohibitive to New Jersey's Community Solar Developers.

Whatever method is ultimately decided upon, the BPU should consider the attainability of the communications platform for community solar providers. For example, an EDI requirement might disadvantage small businesses, community-based community solar provider models, and non-profits



given the level of sophistication and expense necessary to utilize a particular platform and/or technology.

Conclusion

Thank you for your consideration of these responses. We look forward to continued dialogue on many of the subjects discussed in these comments and our respective organizations and members look forward to working with BPU to develop a long term, sustainable community solar market in New Jersey.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott Elias".

Scott Elias
Senior Manager, State Affairs, Mid-Atlantic
Solar Energy Industries Association (SEIA)
SElias@seia.org

A handwritten signature in purple ink that reads "Leslie Elder".

Leslie Elder
Mid-Atlantic Director
Coalition for Community Solar Access (CCSA)
leslie@communitysolaraccess.org

A handwritten signature in black ink that reads "Fred DeSanti".

Fred DeSanti
Executive Director
New Jersey Solar Energy Coalition (NJSEC)
fred.desanti@mc2publicaffairs.com

April 9, 2021

Re: Comments regarding Docket No. QO18060646, Community Solar Consolidated Billing of Subscriber Fees – Schottinger, Solar Landscape

Dear Board Secretary:

Solar Landscape respectfully offers the attached comments to Docket QO18060646, published on March 11, 2021.

Solar Landscape is an Asbury Park, New Jersey-based solar company specializing in medium- and large-scale solar project development, design, installation, and long-term asset management. In Year 1 of the Community Solar Pilot Program, Solar Landscape was awarded eight projects, totaling approximately twenty megawatts. Today, those eight projects are in various stages of development and operation—including the first two operational Community Solar projects in New Jersey—with a large number of customers already subscribed.

Thank you for continuing to promote clean and equitable energy access for all New Jersey residents.

Sincerely,

/s/ Mark Schottinger

Mark Schottinger
General Counsel

RESPONSES TO SPECIFIC QUESTIONS POSED BY STAFF

1. In New Jersey, customers who purchase their electricity supply from a Third Party Supplier (TPS) are typically billed by their EDC. Known as Utility Consolidated Billing, the customer receives a single bill that includes supply charges and related taxes from its TPS and delivery charges and related taxes and charges from its utility. Occasionally, in NJ and in other jurisdictions, dual billing is employed where a customer receives a bill from the customer's utility company that includes only the utility's charges and a separate bill from the customer's TPS that includes only the TPS charges. In other jurisdictions, the TPS sends the utility bill to the customer, which contains all of the utility's relevant charges. This billing methodology is sometimes called TPS Consolidated Billing.

What lessons can be drawn from consolidated billing for TPS customers with respect to its potential application to community solar? What are the advantages or disadvantages of Utility Consolidated Billing, TPS Consolidated Billing and dual billing as they apply to community solar?

SOLAR LANDSCAPE RESPONSE:

Dual billing needlessly complicates the billing process for community solar customers. We feel strongly that the way forward for community solar is in providing customers only one consolidated bill that clearly explains all of their charges from both the utility company and the community solar provider. The single bill should also include the community solar provider's name, telephone number, and email.

We have found that prospective customers are frequently confused and discouraged with the thought of receiving a second bill, sometimes believing that the existence of a second bill means they are paying more for electricity through community solar than they would if they did not enroll. For some prospective customers, the conversation about enrolling in community solar ends altogether at the mention of receiving two bills.

We further believe that a consolidated bill provided by the utility company (i.e., Utility Consolidated Billing) is preferable to TPS Consolidated Billing in that it makes clear to customers that enrolling in community solar does not end their relationship with the utility company. Explaining to a prospective customer that he/she would no longer receive a bill from the utility company would lead to misunderstandings illustrated by questions like: Am I still a customer of my utility company? Now that I'm not being billed by my utility company, who do I call if the power goes out? Community solar is a new program, why should I leave the utility company to join an unfamiliar company and a new program? In this respect, for some customers, TPS Consolidated Billing would be even less palatable than dual billing (inasmuch as with dual billing, there is at least still a direct contact with the utility company). In sum, by limiting changes in the presentation of the utility bill, customers will be more likely to enroll in community solar and less confused by the billing process.

Some stakeholders have raised concerns that receiving a bill from the community solar provider makes subscribers feel part of the community solar project. In our experience, that is not the case. Welcome packages, correspondence regarding the status of the community solar facility, updates about the benefits caused by the subscription (both environmental and financial), incentivizing referrals, etc. are all meaningful ways that customers can be made to feel a part of their community solar project; whereas by contrast, receiving a bill is not one of the feel-good avenues for customer engagement.

2. Do you recommend implementation of some form of consolidated billing for community solar projects? If so, do you recommend Utility Consolidated Billing, or third party provision of consolidated billing for community solar subscriber fees (Subscriber Organization Consolidated Billing)? Please consider this question from the perspective of billing implementation and administration, community solar project financing, and subscriber (customer) protection.

SOLAR LANDSCAPE RESPONSE:

We recommend a move to consolidated billing for community solar subscribers. From the perspective of billing implementation and administration, Utility Consolidated Billing presents the most efficient, transparent, and simplest approach, largely because the utility already has the billing relationship with the customer. Utility Consolidated Billing will remove a major obstacle to subscriber participation in the community solar program and will make it easier for subscriber organizations to enroll customers. From a subscriber's perspective, Utility Consolidated Billing will simplify the billing and payment process, clarify the benefits of participating in community solar, and increase consumer protection by only requiring payment information to be shared with one billing entity. From the perspective of community solar financing, consolidated billing will, by removing an obstacle to enrollment, allow for greater predictability for financiers and grow enrollment. Moreover, Utility Consolidated Billing (as opposed to TPS Consolidated Billing) is preferable for financing purposes because the utility company is more bankable (e.g., less at risk of bankruptcy) than the entities that would offer TPS Consolidated Billing (which would inevitably include "startup" companies, some of which may fail, thereby adding to the confusion for any customers whose consolidated bills were provided by such startup).

3. Please describe in detail how your proposed method of consolidated billing would work and the benefits you believe would be achieved by the use of consolidated billing for community solar. If you are or represent a community solar developer or subscriber organization, please speak specifically to your experience. Please address all related issues, including the following:
 - Would the bill be sent by the utility (Utility Consolidated Billing) or the subscriber organization (Subscriber Organization Consolidated Billing)?
 - How would your proposal address customer nonpayment of bills, partial payment of bills, and late payment of bills? In cases of partial payment of bills, which portion of the bill should the payment be allocated towards?
 - Should customers be dropped from consolidated billing for late payments?
 - Discuss any purchase of receivables issues.
 - Discuss any issues relating to consumer credit.
 - Should there be a fee using consolidated billing and, if yes, what should it be?
 - Discuss any consumer protection implications of utilizing consolidated billing for community solar, including data privacy and data protection.
 - How would customer specific data be exchanged? Alternatively, please address why you and/or your organization prefer dual billing.

Alternatively, please address why you and/or your organization prefer dual billing.

SOLAR LANDSCAPE RESPONSE:

We recommend that the bill be sent by the utility company, both to ease customers' transitions to community solar, and to make use of the billing infrastructure currently in place.

We further recommend that the consolidated billing system should address nonpayment and late payment by making such losses the responsibility of the utility company. We believe that participation in community solar does not increase the likelihood of non-payment by a utility customer, and may in fact reduce the likelihood of non-payment by virtue of reducing the amount billed. As a result, we believe that the utility assuming non-payment risk for community solar—where it would already have assumed that risk to an equal or greater extent without community solar existing—is a fair and simple solution. The utility company should pay the full amount due to the community solar project and socialize non-payment and late payment of any particular customer over its entire customer base—just as it would with any other non-paying or late-paying customer. Because of this much larger customer base and a natural information advantage on historical non-payment, we believe the utility companies are clearly best positioned to manage and absorb this risk. This structure would also allow for the complete exclusion of credit or income considerations when subscriber organizations are acquiring subscribers, which would encourage LMI enrollment and facilitate financing. We finally also recommend that there should be no fee for using consolidated billing, but that any administration costs for the utility also be socialized into its rate base to the extent allowable.

The above proposed approach would entail treating community solar providers—who are generators of electricity—like the BGS generators of electricity, rather than treating community solar providers like TPS brokers (who typically are not generators of electricity). This treatment is all the more warranted because community solar providers generate clean/renewable electricity that disproportionately benefits New Jersey's LMI residents, which should be incentivized over electricity that is not clean/renewable and/or does not benefit LMI residents.

4. If you are or represent a community solar developer or subscriber organization, please describe in detail the terms of the agreement between the subscriber and the subscriber organization. In particular, please explain the following:

- What are the fees and contract terms for subscribers?
- Are the fees and contract terms consistent among all subscribers? Does it differ by customer class?
- Do subscriber organizations intend to offer guaranteed savings to the subscriber?
- Do subscriber fees vary each month?

SOLAR LANDSCAPE RESPONSE:

Solar Landscape offers its community solar subscribers extremely flexible contracts with guaranteed savings in the form of a percentage discount off the bill credits. We have offered greater discounts and/or additional financial incentives to LMI customers. Customers can cancel any time

without a penalty, and there are no hidden fees. We always aim to be transparent and straightforward with customers.

Put simply, a community solar subscription is a product that should sell itself because its benefits are so great—i.e., locally produced green electricity that is substantially cheaper than non-green electricity. Unfortunately, some customers are nonetheless deterred from enrolling because they are confused by dual billing, are not willing to deal with a second bill, and/or are skeptical of providing their payment information to an unfamiliar company in a new program. Utility Consolidated Billing would solve these problems.

5. Do any subscriber organizations currently use consolidated billing for community solar subscriber fees in other jurisdictions? If so, please identify the jurisdictions and explain the design of the billing framework, being sure to address the issues identified in Question 2 and 3 above.

SOLAR LANDSCAPE RESPONSE:

N/A

6. Are subscriber organizations paying an administrative fee to EDCs for the use of consolidated billing of subscriber fees in other jurisdictions? If so, how is it structured? If not, how does the EDC recover those costs? Please provide your recommended method of cost recovery.

SOLAR LANDSCAPE RESPONSE:

N/A

7. Should consolidated billing of community solar subscriber fees only be available to projects that provide a guaranteed monthly savings to subscribers? If not, would the provider of consolidated billing be expected to charge subscribers for their community solar participation resulting in an amount due greater than the amount due for electric service? Should this result be permitted for low- to moderate-income (LMI) customers?

SOLAR LANDSCAPE RESPONSE:

We recommend that the billing provider should not charge subscribers in an amount greater than the amount due for electric service. It is a goal of community solar to benefit LMI customers and New Jersey residents as a whole. Accordingly, they should not be expected to pay a larger electric bill as a result of enrolling in community solar. This would not be an issue for Solar Landscape, because all of our contracts offer guaranteed savings in the form of a substantial percentage discount off the value of the bill credit. Relatedly, administrative costs of a Utility Consolidated Billing approach should be built into the utilities' rate base to socialize the cost (which we would expect to be very small on a per-customer basis).

8. Please provide comments on the following framework for utility consolidated billing of subscriber fees, which is currently being implemented in New York:

- a. Utility consolidated billing of subscriber fees is optional for community solar projects. If a project chooses utility consolidated billing of subscriber fees, all subscribers enrolled in that project are billed via utility consolidated billing (with the exception of one anchor subscriber per project).

- b. In order to participate in utility consolidated billing, all subscribers enrolled in the project must receive a percentage of their original community solar credit on their bills each month. Currently, this minimum percentage is five percent (5%) in New York.
- c. The subscriber fee is a percentage of the subscriber's original community solar credit each month. The dollar amount of the subscriber fee varies each month based upon the underlying community solar credit.
- o Example: The subscriber fee is 90% of a customer's community solar credit. On the monthly bill, the customer receives 10% of their credit. The remaining 90% of the credit is remitted by the EDC to the subscriber organization less the administrative fee retained by the EDC.
- d. At least 60 days prior to operating under a consolidated billing framework, the community solar project owner must provide the EDC with the percentage of the subscriber community solar credits that is available to be applied to the subscribers' bills.
- e. The same percentage must be applied to all subscribers for the same project (with the exception of an anchor subscriber, if applicable, that will receive its entire community solar credit on its utility bill and is billed by the community solar project owner for subscription fees). The percentage can change no more frequently than every six (6) months.
- f. Subscriber organizations must agree to use the EDC's communication tool for sharing subscriber percentage information.
- g. The EDC retains a portion of the subscriber fee to compensate for their implementation and administrative costs associated with utility consolidated billing. This results in the Subscriber Fee percentage in item "c" above being reduced.
- h. The EDC receives timely recovery of subscriber credits through a surcharge or similar mechanism.

SOLAR LANDSCAPE RESPONSE:

Please see response to Question 3 above for our preferred approach. Additionally:

- *Solar Landscape is not opposed to making consolidated billing optional. We would certainly opt into consolidated billing, but we see no harm in allowing other companies to choose otherwise.*
 - *We think it is important that LMI customers be allowed to receive greater discounts as compared to non-LMI customers. This is in line with the goals of the community solar program.*
9. If you disagree with any portion of the framework in Question 8, please describe in detail the framework you would support (or refer to your response to Question 3, as relevant). Include specific examples from other jurisdictions, if possible.

SOLAR LANDSCAPE RESPONSE:

Please see responses to Question 3 and Question 8 above.

10. In the case of Utility Consolidated Billing, if you are a community solar subscription organization, should you opt to participate in Utility Consolidated Billing would you maintain backup billing procedures to bill customers who fail to pay the EDC for their community solar subscription? What other options would you suggest to address the risk of non-payment by customers?

SOLAR LANDSCAPE RESPONSE:

Our recommended approach would shift and socialize the non-payment risk to the utility, where it always was to begin with; utilities would pay subscriber organizations for the face value of the billed credits, less the discount offered off the bill credit, thereby absorbing the non-payment risk from the subscriber organization. In this respect, we recommend a BGS-style system by which the EDC is responsible for covering the losses that result from customers' non-payment and socializing that loss over their customer base. As a result, we would not need to maintain backup billing procedures of sensitive customer billing information, which is a good outcome from a consumer protection perspective.

11. What are the potential challenges to implement consolidated billing for community solar? How can these challenges be addressed?

SOLAR LANDSCAPE RESPONSE:

There would be minor logistical challenges to implementing a consolidated billing system, but that will always be the case; and implementing the system now, in the program's infancy, would avoid complications that would result from postponing implementation. For example, Program Year 1 projects that have already begun the billing process in the dual-bill system would need to explain to customers that the dual bill is changing to a single bill. Explaining that to customers for PY1's 75 Megawatts would be much easier than explaining that to customers for the many more Megawatts' worth of projects that will be coming online in the next few years. Additionally, the utility companies would need to implement a new system, which would inevitably entail some challenges, but they are aptly capable of handling this task.

12. If Utility Consolidated Billing were available, how would subscriber billing inquiries be handled? Would subscriber inquiries regarding subscriber fees and/or community solar credits be handled by the subscribing entity or the developer, or would the utility be required to take on that role?

SOLAR LANDSCAPE RESPONSE:

We recommend including the community solar provider's name and contact information on the bill. This would enable customers to easily contact their community solar provider, rather than the utility company. If the customer chooses to contact the utility company, the utility company should be generally able to answer questions about the bill, but they should also provide the customer the community solar company's contact information. For example, if a customer were to call the utility company, the utility company's representative would pull up the account, answer any questions, and say "your community solar provider is Solar Landscape, and here is their phone number and email address." Community solar providers can and should continue to engage with their customers, and in our experience, as detailed in response to Question 1, the bill is not the only or best way to do that.

13. If Utility Consolidated Billing were available, how would subscriber billing information be provided to the utility?

SOLAR LANDSCAPE RESPONSE:

We envision that the utility would simply continue to bill and receive payment by the same method currently used for the existing utility bill. Since the new bill with community solar bill credits will be lower, we don't foresee a need among subscribers to provide multiple or different payment methods as a result of a shift to Utility Consolidated Billing.



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PRINCETON COMMENTS: COMMUNITY SOLAR CONSOLIDATED BILLING STAKEHOLDER MEETING

Dear Secretary Camacho-Welch,

My name is Christine Symington, the Program Director at Sustainable Princeton. We are a non-partisan, non-profit organization with a mission to inspire our community to develop and implement solutions that positively impact our environment. It's our vision that Princeton is a model town that examines every action through the lens of sustainability, ensuring a healthy environment, a strong economy, and the wellbeing of all community members now and in the future.

In 2019, the Municipality of Princeton adopted a Climate Action Plan that calls for all Princeton community members to efficiently use clean, reliable, and affordable energy. To achieve this vision, the Plan includes pursuing community solar and ensuring maximum participation of our low- to moderate-income (LMI) households.

We applaud the Board of Public Utilities for understanding the importance of consolidated billing. Please accept the following comments on Community Solar Consolidated Billing of Subscriber Fees, Docket No. QO18060646. We provide these comments in response to the Notice of Request for Comments issued by BPU on March 11, 2021.

Firstly, to provide the clarification requested by Jackie Galka, NJBPU Division of Energy, at the March 25, 2021, Stakeholder Meeting Webinar:

1. The use of the term "Basic Generation Service (BGS) Style Consolidated Billing" during verbal comments did not intend to imply that there is any type of purchase of receivables by the utility from a BGS Supplier; instead, it is an abbreviated language for the payment protocol employed when a customer is receiving Basic Generation Service, whereby the payment by the EDC to the BGS Supplier(s) is entirely separate from and is not dependent upon, payment by the retail customer for BGS service. Using this same protocol for Community Solar, the EDC would provide payment to the solar provider on a full (i.e., no deductions, payments, or offsets) and timely (i.e., monthly) basis, regardless of the customer payment status.

2. It would be appropriate and acceptable that, in “exchange” for the security of the BGS-style Consolidated Billing described in the above answer, the community solar project must guarantee savings to their subscribers.

The following comments pertain to Question 2 of the Notice of Request for Comments issued by BPU:

- We recommend implementing consolidated billing for community solar projects because, without consolidated billing, subscribers will receive two bills, causing confusion. The type of consolidated billing is important. Specifically, we advocate for “Utility Consolidated Billing,” using the features of BGS Consolidated Billing for Community Solar Consolidated Billing.
- Third-Party Supplier (TPS) consolidated billing is problematic because customers in arrears can be removed from TPS consolidated billing. It discourages community solar providers from subscribing LMI households because of the likelihood of being behind on their bills. This likelihood has increased due to the COVID-19 pandemic as more households struggle to pay their utility bills.
- The solution to the above issue is a billing approach that mirrors Basic Generation Service or BGS billing. The payment to suppliers is regular, and the utility is not allowed to remove a customer from consolidated billing for being behind on their payment.
- BGS style billing has been used successfully for over 20 years. For community solar to achieve our social justice goals and for Princeton to achieve its climate action goals, we should not exclude LMI customers from this same consolidated billing approach. BGS style billing will lead to more LMI customer participation at a lower cost because community solar developers get stable revenue and are incented to serve them.

Princeton has approximately 1,000 LMI households and will have several hundred more in the next few years as it fulfills its affordable housing commitments. Our current and future neighbors - and all New Jersey LMI households - should have a simple, customer-friendly experience as participants in New Jersey’s clean energy future. We urge the BPU to require the utilities to use the same consolidated billing method already used for BGS.

Thank you for your time and consideration.

Sincerely,

Christine Symington
Program Director
Sustainable Princeton



To: Aida Camacho, Secretary of the Board, New Jersey Board of Public Utilities
Re: Consolidated Billing of Subscriber Fees, NJ Community Solar Energy Pilot Program
Date: April 7, 2021

Thank you for the opportunity to submit comments about the Board's consideration of consolidated billing of subscriber fees as part of the community solar pilot program. We appreciate the Board's commitment to the program and are thrilled to see it expand.

For the thousands of New Jerseyans without access to rooftop solar, net metered community solar subscriptions are essential to powering their homes with affordable, clean energy. As demonstrated by the pilot project, there is a major appetite for community solar throughout the state. We support expanding community solar service areas to especially include overburdened communities, which face an energy burden up to three times higher than the state average. These are communities where households face impossible choices of keeping their lights on or putting food on the table. To make matters worse, without a choice in energy sources, they are forced to buy into power systems that are detrimental to their health. Community solar is an ideal way for these communities to access clean energy, save money, and divest from the current generation systems that harm their health and our planet.

However, households face a major hurdle when trying to connect with community solar. The current model, wherein ratepayers are faced with two bills — one for community solar and one for their utility provider — can be confusing and cumbersome. Furthermore, the two-bill model can hide one of the major benefits of community solar: bill savings and a lower energy burden. We support consolidated billing as a means to make community solar more accessible, particularly for low- and moderate-income (LMI) subscribers for whom having fewer barriers to entry is essential. Doing so can also make clear the savings associated with community solar, making participation even more appealing.

As the Board considers specific questions about the exact setup of consolidated billing, we urge you to take seriously the input from our colleagues who know the issue and vulnerable communities best, including industry groups, consumer advocates, and environmental justice organizations. It will also be critical to include robust consumer protection guardrails, especially for low-income customers. Guaranteed monthly savings can be challenging for developers over the course of a year during which solar generation shifts with seasons and weather, but requiring this for low-income customers should be strongly considered if coupled with increased incentives for serving these populations. In addition, any costs associated with moving to consolidated billing need not be shifted to ratepayers and should be covered by developers and electric utilities.



Our goal must remain a democratized, affordable, and clean grid. Ratepayers need affordable rates, the right to decide where their power is coming from, and relief from the pollutants fossil-fuel powered electricity pours into our air, especially concentrated in our overburdened communities. Community solar access helps arrive at that goal, but we need to make participation smooth and make savings clear. We support consolidated billing as a means to remove barriers to participation for community solar, especially for LMI subscribers.

Respectfully submitted,
Elena Weissmann
Mid-Atlantic Regional Director | Vote Solar
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