



June 12, 2024

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

STATEWIDE SHARED CLEAN ENERGY FACILITY PROGRAM

NOTICE OF PUBLIC MEETING AND OPPORTUNITY FOR WRITTEN COMMENTS

I. Introduction

The Shared Clean Energy Facility (SCEF) program is an annual competitive clean energy procurement administered by the Electric Distribution Companies (EDCs), Eversource Energy (Eversource) and United Illuminating (UI) and overseen by the Public Utilities Regulatory Authority (PURA). It started in 2020, and it is an eight-year program that procures 50 MW of clean energy annually.¹ Projects range from 100 kW to 5,000 kW² and include Class I renewable energy resources like solar and fuel cells. Each year the EDCs issue the SCEF request for proposals (RFP) in January, bids are due in March, and projects are selected in May.

The Connecticut Department of Energy and Environmental Protection (DEEP) plays two roles in the SCEF program:

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

II. Background

Price Cap

The statutorily prescribed Program Price Cap is based on the highest selected bid price in the previous procurement year.³ The historical price caps⁴ and highest selected bid price are below:

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

² Public Act 22-14 increased the maximum project size from 4,000 kW to 5,000 kW.

³ Conn. Gen. Stat. § 16-244z(a)(5) (“The maximum selected purchase price of energy and renewable energy certificates on a cents-per-kilowatt-hour basis in any given solicitation shall not exceed such maximum selected purchase price for the same resources in the prior year’s solicitation, unless the authority makes a determination that there are changed circumstances in any given year.”).

⁴ In Years 3 and 4, PURA established a separate price cap for solar canopy projects of \$155.43/MWh, which is not included in the chart. None of the bids subject to the higher price cap were selected and PURA removed the higher price cap for Year 5.

SCEF Program Year	Price Cap (\$/MWh)	Highest Selected Bid Price (\$/MWh)
1	\$159	\$159
2	\$159	\$136
3	\$136	\$135
4	\$135	\$133
5	\$133	\$133

Bid Preferences

In the SCEF program, bid preferences are used to incentivize project types/characteristics that help achieve state policy goals, even if they make the project more expensive. In crafting bid preferences, DEEP must consider the bid preference percentage amount, establish clear eligibility requirements, and determine an appropriate enforcement mechanism. The bid preference does not act as an adder to provide more money to the developer, but rather reduces the bid price for evaluation purposes to make it more competitive with cheaper projects that do not achieve the particular policy goal. The project, however, is paid whatever price it bid in. In Years 1-5 there was a 20% bid preference for projects sited on landfills and brownfields and in Years 3-5 there was also a 30% bid preference for solar canopy projects. The bid preferences cannot be stacked. For example, if a previous project sited on a landfill bid into the SCEF procurement at \$100/MWh, it was evaluated and ranked as if it cost 20% less or \$80/MWh. If the project was selected, it still received \$100/MWh.

Brownfield Definition

PURA requested DEEP to recommend a definition of “brownfield” for both the SCEF program⁵ and the Non-residential Renewable Energy Solutions (NRES) program,⁶ as both programs give bid preferences for projects sited on brownfields. As indicated by PURA, DEEP’s recommended brownfield definition must be filed with PURA by August 1, 2024, and “[PURA] does not plan to solicit comments on DEEP’s August 1, 2024 filing regarding a consistent brownfield

⁵ Year 5 SCEF definition: ‘Brownfield’ means a site that is either: (1) an address that is included on the Connecticut Brownfields Inventory maintained by DEEP and an attestation that such site has not achieved regulatory closure in the form of either a verification report from a licensed environmental professional or from DEEP; or (2) an address with a Phase 2 Environmental Site Assessment from a licensed environmental professional identifying that the site is contaminated with pollutants, unless such pollutants are present solely because soil at such address has been historically intermixed with coal ash, wood ash, coal fragments, coal slag, coal clinkers, asphalt paving fragments, or any combination thereof, and the Bidder can demonstrate, to DEEP’s sole satisfaction, the site is either abandoned or underutilized because of such contamination. For projects built on a Brownfield to qualify for the bid preference, as discussed in Appendix B, the Generation Footprint must be wholly located on the Brownfield. However, if the size of the Brownfield cannot accommodate the entire Generation Footprint, then the project can still be eligible to receive the qualitative preference, provided at least 75% of the total Generation Footprint is within the Brownfield and the Brownfield land that is legally and technically available for development is utilized.

⁶ Year 3 NRES definition: ‘Brownfield’ shall mean a Brownfield as defined in Conn. Gen. Stat. Section 32-760: “any abandoned or underutilized site where redevelopment, reuse or expansion has not occurred due to the presence or potential presence of pollution in the buildings, soil or groundwater that requires investigation or remediation before or in conjunction with the restoration, redevelopment, reuse and expansion of the property.” DEEP maintains a non-exhaustive list of Brownfields that meet this definition, which is available at: <https://portal.ct.gov/DEEP/Remediation--Site-CleanUp/Brownfields/Brownfields-Site-Inventory>

definition for the NRES and SCEF Programs.”⁷ This Notice provides interested stakeholders with the opportunity to comment on the definition for both the SCEF and NRES programs.

Prime Farmland

In SCEF Year 5, PURA ruled that “projects shall be required to follow any rules developed by [the Department of Agriculture] and/or [Connecticut Siting Council] for clean energy projects sited on Prime Farmland as a condition of receiving payment” and stated that the Department of Agriculture (DOAG) could “formalize rules outside of the PURA annual review process.”⁸ Further, PURA instructed the EDCs to remove the Prime Farmland requirements from the SCEF Program Manual and instead add a link to the DOAG website that lists the requirements for siting a SCEF project on Prime Farmland.

III. Recommendations

Price Cap

Consistent with Conn. Gen. Stat. § 16-244z(a)(5) and DEEP’s historical practices, DEEP recommends \$133/MWh as the price cap for Year 6 of the SCEF program. As a preliminary matter, we find no changed circumstances and therefore Year 5’s highest selected project price is appropriate.

Bid Preferences

DEEP recommends maintaining the 20% bid preference for projects on brownfields and landfills and the 30% bid preference for solar canopies.

DOAG recommends a bid preference for eligible projects sited on Prime Farmland that use vertical bi-facial solar panels.

Brownfield Definition

DEEP recommends adopting the following brownfield definition for both SCEF and NRES:

‘Brownfield’ means a site that is either: (1) an address that is included on the Connecticut Brownfields Inventory maintained by DEEP and an attestation that such site has not achieved regulatory closure in the form of either a verification report from a licensed environmental professional or from DEEP; or (2) an address with a Phase 2 Environmental Site Assessment from a licensed environmental professional identifying that the site is contaminated with pollutants, unless such pollutants are present solely because soil at such address has been historically intermixed with coal ash, wood ash, coal fragments, coal slag, coal clinkers, asphalt paving fragments, or any combination thereof, and the Bidder can demonstrate, to DEEP’s sole satisfaction, the site is either abandoned or underutilized because of such contamination.

⁷ PURA, Decision, Docket No. 23-08-04, *Annual Shared Clean Energy Facility Program Review- Year 5* (Dec. 6, 2023) at 9.

⁸ PURA, Decision, Docket No. 23-08-04, *Annual Shared Clean Energy Facility Program Review- Year 5* (Dec. 6, 2023) at 16.

Further, DEEP recommends that 100% of the SCEF Generation Footprint is located on a Brownfield in order for the project to receive the full bid preference in the SCEF program. Otherwise, DEEP recommends that the bid preference amount is proportional to how much of the Generation Footprint is on the Brownfield. For example, if 50% of the Generation Footprint is on the Brownfield, and the Brownfield Bid Preference is 20%, the project would receive 50% of the 20% Bid Preference, or a 10% bid preference. This approach is similar to the rule adopted by PURA for hybrid solar canopies.⁹

Other DEEP Recommendations

Section 4.5 of the Year 5 SCEF Program Manual contained rules about the Generation Site, including that “... solar photovoltaic Bids are not eligible if the Project Site contains slopes greater than fifteen (15) percent, with the exception of the interconnection route. All Appendix B responses from Bidders must include documentation demonstrating that the generation site does not contain slopes greater than fifteen (15) percent.” DEEP recognizes that it is more challenging to achieve these slope rules as more solar is built in the state. Therefore, DEEP recommends revising the slope rules so that no more than 10% of the Project Site is on slopes greater than 15% as follows:

For a solar photovoltaic project on sand and gravel pits, attest that no more than 10% of the Project Site is on slopes greater than 15% after any grading. Indicate whether there will be any grading on previously disturbed or excavated land to achieve this slope requirement.

For all other solar photovoltaic projects, including those on a landfill, attest that no more than 10% of the Project Site is on slopes greater than 15% and that there will be no grading before, during, or after construction to achieve this slope requirement.

In addition, projects that do not meet the slope requirement but obtain coverage under the Construction Stormwater General Permit prior to the release of the applicable SCEF Request for Proposals should not be disqualified.

DEEP recommends adopting the definition of “solar canopy” that was recently passed in Section 113 of Public Act 24-151 so that SCEF projects are subject to any “simplified approval process” implemented in response to Public Act 24-151:

“Solar canopy” means an outdoor, shade-providing structure that hosts solar photovoltaic panels located above a parking or driving area, pedestrian walkway, courtyard, canal or other utilized surface that is installed in a manner that maintains the function of the area beneath the structure. “Solar canopy” includes any carport.

Prime Farmland Requirements

DOAG recommends that the following requirements for projects sited on Prime Farmland, inclusive of but not limited to projects seeking the bid preference for vertical bi-facial solar

⁹ PURA, Decision, Docket No. 23-08-04, *Annual Shared Clean Energy Facility Program Review- Year 5* (Dec. 6, 2023) at 28.

panels. A final version of these requirements will be published on their webpage and will not be subject to PURA's annual review, consistent with PURA's direction in its Year 5 Final Decision:¹⁰

- Provide a preliminary Agrivoltaics Farm Plan that includes all requirements listed on DOAG's website. Clearly label any necessary attachments.
- Provide a vegetation and soil management plan prepared by a soil scientist.
- Provide a soil health assessment performed by a soil scientist to establish baseline conditions for soil restoration upon decommissioning.
- Attest that the Bidder will ensure the Parcel is continuously farmed throughout the life of the array.
- If the site has been used for production agriculture in the past five years, provide documentation that demonstrates how production agriculture could continue on the site that contains prime farmland soils after the project is decommissioned.
- Attest that if the Bidder sells the solar project to another entity Dual Use requirements and decommissioning responsibilities will be assumed by the new owner.
- Attest that the Bidder shall grant any person authorized by the State of Connecticut access to the Project Site for research and data collection related to Agrivoltaics for the lifetime of the Project, with advance notice of site visits.
- Attest that the project complies with all Dual Use requirements set forth above.

IV. Public Process

a. Public Meeting

DEEP will hold a public meeting to present recommendations for the next SCEF procurement and hear stakeholder comments. The meeting will be held virtually via Zoom on June 27, 2024 at 1:00 PM ET.

Please register for the meeting [HERE](#).

b. Opportunity for Written Comments

By way of this Notice, DEEP requests written comments regarding the SCEF Year 6 procurement. Written comments may be filed electronically on DEEP's website or submitted to DEEP.EnergyBureau@ct.gov with "SCEF Comments" in the subject line by July 11, 2024, at 5 PM ET. All materials submitted by stakeholders in this proceeding will be posted on the DEEP website. Any questions can be directed to DEEP.EnergyBureau@ct.gov.

DEEP welcomes all comments on the SCEF Year 6 bid preferences, price cap, Appendix B, and Program Manual, and is particularly interested to hear from stakeholders about the following questions:

¹⁰ PURA, Decision, Docket No. 23-08-04, *Annual Shared Clean Energy Facility Program Review- Year 5* (Dec. 6, 2023) at 16.

1. What should the price cap be for Year 6 of the SCEF program? Please explain your response.
 - a. Are there any “changed circumstances” that suggest a higher price cap is necessary? Please explain any industry-wide concerns in detail and provide as much evidence as possible.
2. What bid preference percentage should be given to projects on brownfields and landfills? Please explain your response.
 - a. Please provide evidence demonstrating how building on a brownfield or landfill impacts project cost compared to those on “greenfield” sites, if at all.
3. What bid preference percentage should be given to solar canopy projects?
 - a. Please provide evidence demonstrating how building a solar canopy impacts project costs compared to a ground mounted system, if at all.
4. What bid preference percentage, if any, should be given to vertical bi-facial solar projects on Prime Farmland? Please explain your response.
 - a. What is the difference in cost of vertical bi-facial solar panels versus other types of solar panels?
 - b. What are the environmental impacts of vertical bi-facial solar panel installations versus other types of solar panel installations?
 - c. Do vertical bi-facial solar panel installations provide any grid operations benefits distinct from traditionally mounted installations?
5. What other bid preferences should DEEP consider for Year 6? Provide both the category and the suggested percentage, and please explain how the bid preference furthers the state’s policy goals, why a bid preference is necessary, and why the suggested percentage is appropriate.
6. How can DEEP’s suggested brownfield definition for both the SCEF and NRES programs be improved? Please explain your reasoning for any suggested changes.
7. What else should DEEP consider in its revised slope rules? Please explain how any recommendations balance ease of siting and streamlining of the permitting process.
8. What else should DOAG consider in its revised Prime Farmland requirements? Please explain how any recommendations will protect Prime Farmland as a limited natural resource and promote clean energy deployment.
9. If any of the recommendations in this Notice present a barrier to participation in the SCEF program, please explain why and discuss possible modifications to the recommendation.

DEEP is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact us at (860) 418-5910 or deep.accommodations@ct.gov if you are seeking a communication aid or service, have limited proficiency in English and may need information in another language, require some other accommodation or wish to file an ADA or Title VI discrimination complaint. Any person needing a hearing accommodation may call the State of Connecticut relay number — 711. Requests for accommodations must be made as soon as possible prior to any agency hearing, program, or event.