

Dual-Use Pilot Program

Frequently Asked Questions (FAQs) – General

Below are frequently asked questions intended to provide the public, potential applicants, and other parties interested in the Dual-Use Solar Energy Pilot Program (Pilot Program) with additional information on the Pilot Program. A document with frequently asked questions aimed at farmers, but also useful for anyone interested in the Pilot Program, can be found on the Dual-Use webpage [here](#).

If you have any questions that are not addressed in the following list, please contact dual-use@njcleanenergy.com or NJREinfo@NJCleanEnergy.com.

Please note that the answers provided are intended to provide a convenient reference for interested parties; they do not replace, substitute, or otherwise supersede requirements set forth in the New Jersey Board of Public Utilities (NJBPU's or Board's) rules or any other applicable laws, statutes, regulations, codes, ordinances, or permit requirements.

General Information about the Pilot Program and Agrivoltaics

1. What are the primary goals of the Pilot Program?

To promote the use of agrivoltaics in New Jersey and to study the compatibility of agricultural or horticultural practices with the generation of solar energy simultaneously and on the same piece of land. The most important aspect of the Pilot Program, which makes it unique from any other solar program in New Jersey, is that the land on which the project is located **must be maintained in active agricultural or horticultural use**.

2. Will a permanent program be established? If so, when does the New Jersey Board of Public Utilities (NJBPU or Board) anticipate establishing a permanent program?

The Dual-Use Solar Energy Act of 2021 (Dual-Use Act) directed the Board to convert the Pilot Program into a permanent program within 36 months after the date of the adoption of the rules and regulations, pursuant to N.J.S.A. 48:3-87.13(g), except that the Board may extend the pilot program by one or two 12-month periods if the Board, in consultation with the Secretary of Agriculture, determines that such extension(s) are necessary to adequately evaluate the performance of the projects selected for construction as part of the Pilot Program.

3. How does the Pilot Program fit within/among NJBPU's existing solar programs?

Incentives for the Dual-Use Solar Energy Pilot Program will be provided through the [Successor Solar Initiative \(SuSI\) Program](#). Projects may apply to the Pilot Program for either of the two sub-programs with the SuSI Program: the Administratively Determined Incentive (ADI) program or the Competitive Solicitation Incentive (CSI) program.

Community Solar projects are not eligible to apply for Dual-Use incentives.

4. How will this program benefit the public?

Energy generation via ‘clean’ sources like solar provides several benefits to the public, including a stronger economy, less pollution, lower costs, and reduced demand for electricity. Agrivoltaics allows for more efficient use of land, where one plot of land can simultaneously be used for producing crops as well as energy. This means better and more reliable energy service overall without having to sacrifice our farmland.

5. How will farmers benefit from this program? What additional benefits can agrivoltaics bring?

While there is currently very little data available on agrivoltaics for New Jersey conditions, the research conducted through the Pilot Program, as required by the Dual-Use Act, will be used to develop rules and regulations for a permanent program and will provide important insight into how agrivoltaics can benefit New Jersey farmers and the agricultural community. A separate list of FAQs specifically developed to assist farmers is available [here](#).

Potential benefits of agrivoltaics to farmers and the agricultural community include (but are not limited to): 1. Maintaining land in agricultural or horticultural production and avoiding the loss of prime farmland, 2. Avoided or reduced electricity costs realized by the electricity generated by the agrivoltaic system, 3. Adding a low-risk income stream through lease income received from a solar developer who operates an agrivoltaic system on land owned by the farmer, contributing to farm financial stability.

For more information on agrivoltaics, visit the Additional Resources section of the [Dual-Use Solar Energy Pilot Program](#) webpage.

Siting and Land Use

1. What are the requirements that determine where Dual-Use Pilot Program Projects (Pilot Projects or Dual-Use Pilot Projects) can be located?

Pilot Projects must be located on unpreserved farmland. Pilot Projects cannot be sited on preserved farmland.

Pursuant to the Dual-Use Act (N.J.S.A. 48:3-87.13(b)(4)), siting dual-use projects on prime agricultural soils and soils of statewide importance, as identified by the United States Department of Agriculture's Natural Resources Conservation Service, which are in Agriculture Development Areas, is prohibited unless the project is in association with a research study undertaken in coordination with a New Jersey public research institution of higher education as approved by the Board in consultation with the Secretary of Agriculture.

Additionally, Pilot Projects are prohibited from being sited on the following land areas, *unless granted a waiver by the Board, in consultation with the New Jersey Department of Environmental Protection: (NJDEP), the New Jersey Department of Agriculture (NJDA), and other State agencies as applicable:

- Land designated as freshwater wetlands, as defined pursuant to P.L.1987, c.156 (N.J.S.A. 13:9B-1 et seq.);
- Land designated as coastal wetlands, as defined pursuant to P.L.1970, c.272 (N.J.S.A. 13:9A-1 et seq.);
- Land located within the preservation area of the Pinelands area, as designated in subsection b. of section 10 of P.L.1979, c.111 (N.J.S.A. 13:18A-11);
- Land designated as forest area in the Pinelands Comprehensive Management Plan adopted pursuant to P.L.1979, c.111 (N.J.S.A. 13:18A-1 et seq.);
- Land located within the Highlands preservation area as designated in subsection b. of section 7 of P.L.2004, c.120 (N.J.S.A. 13:20-7);
- Land preserved pursuant to the NJDEP's Green Acres Program, as defined at N.J.A.C. 7:36; or
- Forested land and associated transition zones, as defined pursuant to N.J.A.C. 14:8-12.2.

2. Can Dual-Use Pilot Projects be sited in wetlands?

Dual-Use Pilot Projects cannot be sited in coastal wetlands. Dual-Use Projects cannot be sited in freshwater wetlands unless the site meets the agricultural exemption at N.J.A.C. 7:7A-2.4(c)(1), and receives a waiver by the Board in consultation with the New Jersey Department of Environmental Protection and the New Jersey Department of Agriculture.

3. For projects seeking a Board waiver to site on prohibited land uses, when can we submit a petition?

The waiver process runs on a schedule that is independent of the Pilot Program solicitation process. Waivers must be granted before an application is submitted. Waivers for land use require Board determination issued by Board order. A petition for a waiver may be submitted at any time, through the Board's website

<https://www.nj.gov/bpu/agenda/efiling/>.

4. What information should be submitted to support a petition for a land use waiver from the Board?

Petitioners for a land use waiver must provide sufficient evidence that a project serves the public interest, and the unique factors that make the project consistent with the character of the specific site. A petitioner may include evidence of community support; approval(s) from an overseeing agency at the State or Federal level; considerations of alternative siting, compensatory mechanisms for any detrimental effects, and/or resiliency benefits to critical infrastructure, services or communities; a valid letter of interpretation or other determination of resource value classification; and/or considerations for and avoidance of the net loss of environmental resources. For a contaminated site or landfill sited on prohibited land uses, a petitioner may also include maps and/or details on the status of applicable compliance and/or remediation requirements.

5. Can you provide guidance on siting restrictions for forecasted land?

For forested lands, the [Board's order establishing the CSI Program](#) lays out the classification of forested lands, following NJDEP's definition.* For an area to fit the definition of forest, the area must be one acre or greater in area, and have trees at a width of 120 ft. or more over a length of 363 ft.

** In re Competitive Solar Incentive ("CSI") Program Pursuant to P.L. 2021, c. 169, [Order](#) launching the CSI Program, BPU Docket No. QO21101186, Order dated December 7, 2022 ("CSI Order").*

In addition to not being forested currently, a site cannot have been forested in the past ten (10) years. Below are links to several resources that may provide useful historic aerial data that an applicant may use to confirm that a site was not forested in the past ten (10) years:

- [NJDEP's Solar Incentive Siting Tool – Pilot Program](#)
- [NJ GeoWeb](#)
- [NJ Geographic Information Network Imagery](#)
- [USGS EarthExplorer – hub for aerial imagery/Landsat satellite data: EarthExplorer](#)

6. Can Dual-Use Solar Energy Pilot projects provide pollinator habitat?

Dual-Use Solar Energy Pilot projects can be designed to provide pollinator habitat. Please note that because of the exploratory nature of the Pilot Program, one of the project selection criteria addresses the novelty and uniqueness of the proposed design.

7. If a prospective applicant holds a township-issued exemption certificate from the Highlands Preservation requirements, is the applicant still required to petition a waiver to the Board to site a Dual-Use Pilot Project on the land?

While a township-issued exemption certificate demonstrates local compliance, the Board would still need to evaluate the exemption's applicability under the Pilot Program. A petition to the Board is required.

Applicants petitioning the Board for a waiver can still submit an EOI prior to the Board's determination of the petition. However, please note that this determination could impact the project's eligibility or timeline.

Interconnection and Project Development

1. On the EOI form, why is there no option for remote net metering (RNM) when the Board addressed the new RNM market segment on [December 18, 2024](#)?

Per the [Board Order](#), dated October 23, 2024 and corrected on January 2, 2025, establishing the Dual-Use Pilot Program, the following is stated on page 33:

“Modifications to the existing RNM market segment were signed into law on December 21, 2023, directing the Board to establish an application, an incentive, and an approval process that incorporates modified sizing and siting requirements for RNM solar facilities that serve public entities located within the same EDC service territory as the solar facility. The Board notes that Staff is working to prepare recommendations for the Board on these modifications as of the date of this Order. At this time, therefore, the Board will not rule upon the eligibility of Dual-Use Pilot Program Projects for the RNM market segment.”

At this time under the Notice of Incentive Availability (NOIA) dated January 6, 2025, there is no option available for a Dual-Use Solar Energy Project to submit an Expression of Interest (EOI) also as an RNM project.

As noted, since the Order issued in October 2023, the Board has approved the new RNM market segment, but the RNM market segment has not yet opened to new registrations; and, more importantly, the Board has not yet ruled upon the eligibility of Dual-Use Pilot Program Projects for the RNM market segment. The Order issued in December 2024 for the RNM market segment does not constitute Board authorization that the two programs are integrated.

NJBPU will continue to provide updates as we develop these programs.

2. Will technical assistance be available to farmers, landowners, solar developers or owners applying to the program to ensure that administrative requirements are met?

Farmers, landowners, and solar developers can request general information about the Pilot Program from the NJBPU at the contact info provided at the bottom of this page and the

[Dual-Use](#) main page.

The NJBPU coordinates with NJDA, the NJDEP, and the Rutgers Agrivoltaics Program (RAP) at Rutgers University on various aspects of the Pilot Program and will continue to leverage their expertise in supporting projects throughout the application process.

3. What crops can be grown on a Dual-Use Solar Energy Project site in the Pilot Program? Can livestock farms be a candidate for the Pilot Program?

In principle, any agricultural or horticultural crop can be grown at an agrivoltaic site. However, the crops most suitable include shade-tolerant crops (e.g., grasses, soybean). Animal husbandry and grazing practices are indeed compatible with agrivoltaics. Note that the presence of an agrivoltaic system will impact the use of agricultural equipment near and underneath the panels. Therefore, the type of equipment used may also dictate what types of agricultural practices are most suitable. More information can be found under the set of [FAQs dedicated to farmers](#).

4. Will solar panels negatively affect the growth of crops on site?

Because solar panels block some of the available sunlight from reaching the crop(s), it is possible that the seasonal impact of solar panels include reduced yields. However, the presence of solar panels can in certain cases also positively impact crop growth and development (e.g., by reducing heat stress and improving humidity conditions). The aim for the Pilot Program is to investigate this question for a variety of crops and animal husbandry systems and to gather New Jersey-specific data on these questions.

5. Once a Dual-Use Solar Energy Pilot project is constructed and operational, does it become permanent? What does a “Pilot Program” mean?

The Pilot Program has an initial duration of three years. Pending Board decisions, the Pilot Program can be extended twice with a duration of 12 months for each extension (for a maximum duration of five years). Incentives awarded under the Pilot Program can be in place for a maximum of 15 years, provided the project continues to meet specific requirements (e.g., the land continues to qualify for farmland assessment). There are no provisions in the Pilot Program that make a project permanent.

6. Are there penalties if the constructed Pilot Projects are a different size than proposed?

The SuSI Program sets size and capacity regulations which apply to Dual-Use Projects eligible for an incentive through the ADI Program or the CSI Program. Pilot Projects eligible for ADI must be no greater than 5 MW. CSI is applicable to net-metered projects greater

than 5 MW; all grid supply projects fall under the CSI Program and can be any size. For instructions on requirements for decreases and increases to the solar system, refer to the applicable program's webpage: ADI Program or CSI Program.

The final installation will have to meet all the requirements of the Pilot Program to be eligible for any incentive.

Pre-Qualification / Application Process

1. Can I apply for an incentive under the Pilot Program? What are the deadlines for the first pre-qualification period?

The first Pre-Qualification Application Period opened on January 6, 2025. An [Expression of Interest \(EOI\)](#) and required supplemental materials must be submitted to the NJBPU by February 14, 2025. For more information, please refer to the [Notice of Incentive Availability \(NOIA\)](#) and the [EOI Guidance](#) document, available on the BPU website.

2. On the EOI form, in what order should the parties sign the signature blocks on the certification page(s)? Are signatures required to be wet, original or can an electronic or digital signature function, such as DocuSign, be used?

Per the instructions on the [NOIA](#) dated January 6, 2025, original signatures, meaning wet signatures, are required. The order of entities on the signature blocks should be: first, the entity who does not represent the applicant, followed by the applicant - e.g., if the parties include a solar developer as the applicant and a farmer not representing the applicant, the developer would sign the bottom and the farmer would sign the top.

3. Is a response to the first Expression of Interest (EOI) required, particularly for projects participating in Program Years 2 and/or 3? Or, will subsequent EOIs be released?

Per Board approval, an EOI may be released for each program year. Applicants need only respond to the EOI for the year in which they plan to participate.

4. When will projects receive confirmation that they have been pre-qualified and how soon after can they submit an application?

Because the Dual-Use Solar Energy Pilot Program is new, it is unknown how many project applications will be submitted. That means it is difficult to predict how long the review process will take. However, once projects have been pre-qualified, the intention is for the application window for full proposal to be opened soon afterwards.

5. How are capacity targets determined for each solicitation?

The maximum capacity targets were set by the NJ legislature in the Dual-Use Act. Those targets are, for years 1-3: 200 MWDC; for year 4 (if instituted): 50 MWDC; and for year 5 (if instituted): 50 MWDC. Capacity targets for each solicitation round are set by the Board and can be adjusted based on the number and type of project applications received in previous solicitation rounds.

6. When will capacity targets be announced for next year's solicitation?

The timeline for capacity targets is subject to Board approval. No specific information is available at this time.

7. If a project applies and is rejected, can it reapply during the next solicitation?

Yes. To reapply, projects will have to submit another EOI during the next application round. No prejudice will result from a previous rejection.

8. How will an applicant know if they have been accepted?

The Board will issue an order announcing projects selected to receive a Dual-Use Solar Energy Pilot Program incentive. For EOIs, Board Staff will be issuing letters of determination to each applicant.

9. Where will winning projects be announced?

The specific date will be determined by the Board and is not available at this time.

10. Will the BPU allow for revisions to the EOI form (clerical errors, unintentional misinterpretation of the requirements)?

Yes, Board Staff intends to work with applicants when an EOI has administrative deficiencies. There will be one opportunity to correct the administrative errors in the EOI

Incentives

1. How are incentives calculated / determined?

Incentives for Dual-Use Pilot Program Projects will include a “base” value and an “add-on.” The application will determine eligibility for a ‘base’ incentive under either the ADI Program or the CSI Program within [SuSI](#). The ‘add-on’ amount will be proposed by the applicant to

account for the incremental cost of the agrivoltaics investment and operational costs related to participation in the Dual-Use Pilot Program.

2. How are incentives administered?

Board approval of a specific project will include a notification of the amount of the approved incentive, including both the base and adder. Base incentives from ADI and CSI are administered via Solar Renewable Energy Certificates IIs (SREC-IIs) and the terms and conditions will be established by the Pilot Project's Construction, Operations, Monitoring, and Project Research Plan (COMPR).

A project will remain eligible for the incentive as long as it meets the requirements of the Dual-Use Solar Energy Pilot Program (up to five years). After that, a project can receive the incentive as long as the project continues operating and the site involved remains eligible for farmland assessment (for a total duration of the incentive of 15 years). For more details, see the October 23, 2024 Board Order.

3. In the EOI, applicants must provide an estimated Dual-Use incentive adder required to cover incremental costs. Is this prequalification estimate considered binding if a project advances to the full application stage?

As a reminder, please refer to the [NOIA dated January 6, 2025](#) under EOI Instructions for Preparation at 7b on page 7: "If an EOI proposal is invited to submit an application, the requested adder has to be fully justified. If the Board determines the value of the requested adder is inconsistent with the justification submitted, the applicant may be asked to reconfigure their project to enable a competitively priced SREC-II adder."

Cost estimates provided as part of an EOI are not binding. NJBPU understands that costs may change due to a variety of circumstances. Changes to the incentive adder should be reflected in the application despite changes that may occur during project implementation.

Research

1. What will research efforts on Dual-Use Solar Energy Pilot projects focus on?

To name a few, farmland productivity, minimizing negative agricultural or horticultural impacts, minimizing other environmental impacts, electricity generation, and impacts on farm viability. Monitoring and research components of the Pilot Program are outlined in Appendix B of the Board's Order dated [October 23, 2024](#).

2. Who can a project team partner with to meet research requirements?

The Rutgers Agrivoltaics Program (RAP) at Rutgers University has been contracted by the New Jersey Board of Public Utilities to provide research guidance, data collection, and data analysis for the Dual-Use Pilot Program awarded projects.

A project team can choose to satisfy the research requirements by contracting with a NJ institution of higher education, other than Rutgers University, at the project team's expense.

3. How are applicants to develop detailed research plans in the EOI prior to designing the actual studies? Is there a higher preference for project teams to partner with either the Board appointed research team (RAP) or a different NJ public institution of higher education? Can RAP be contracted by a project team to support with the development of the research plan for the EOI? Can you provide any indication of what data will be required regarding non-Board appointed entities for submission with the final application?

The design of the research studies is based on the requirements outlined in A–M of Appendix B of the Order launching the Pilot Program. Applicants may choose to design research studies beyond the requirements outlined but the requirements remain the same regardless of whether a project team works with the Board-appointed research team (RAP).

Staff cannot speak to the Board's preference for evaluating projects beyond the Evaluation Criteria outlined in the Order launching the Pilot Program dated October 23, 2024, corrected on January 2, 2025. The Evaluation Criteria were reiterated in the [NOIA dated January 6, 2025](#). The terms and conditions for selected projects will be set by the Board.

Regarding working with RAP, please refer back to the [NOIA dated January 6, 2025](#) under EOI Instructions for Preparation, specifically at 6b and 6c, on page 7.

Due to conflict of interest concerns, and until after final project approval by the Board, RAP is not able to enter into a contract with a Dual-Use Solar Energy Pilot Program applicant for the required research component of an application. However, applicants can contact RAP to discuss the research and monitoring requirements for the Pilot Program. Applicants can also state, on their application, their intent to work with RAP for the required research. Note that the research plan is one of several Evaluation Criteria that will be used to assess an EOI.

Other

1. How can I stay informed about the Pilot Program?

The best way to stay informed is to sign up for listservs provided by the Board and the NJ Clean Energy Program (NJCEP), specifically the Renewable Energy listserv, by visiting, [Sign Up for NJBPU Updates](#) and [Renewable Energy Stakeholder Group](#), respectively. Updates on the Pilot Program will also be available on the NJCEP's [website](#), in addition to the Board's [website](#).

2. Who should I contact if I have a question?

If your question has not been answered on this FAQ page, please email dual-use@njcleanenergy.com or NJREinfo@NJCleanEnergy.com. Staff may post additional questions and answers to this page, as well as to the other pages for the Pilot Program.