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As a family owned, rural developer who has made a substantial investment in Illinois, we are following these comments quite closely. Having experienced many of the same issues and hurdles in the MN CSG market, we are hoping to share some of those learning experiences here.

While we agree with many of the proposed changes and the intent of the comments, there are three issues that stand out as high priority and two other issues that are a secondary priority.

Primary Issues

1. Limiting a developer and its affiliates to the maximum capacity in Blocks 1-3 of each group. We believe this rule will negatively impact the program for the following reasons:
 - a. Retroactive rule changes reduce or eliminate any confidence in future programs, and in this program (was part of the initial issues with the MN program). If a rule is going to be changed retroactive, how can we make future investments? Our family-owned business has already done the legwork and spent the time and money to secure sites, people and permitting. If developers are limited to a certain capacity, we would not be able to recoup our investment in these projects and put jobs at risk. Limiting access has the unintended consequence of punishing those who have already committed substantial resources to the program.
 - b. Developers should not be unfairly punished for being successful and committing to the program. This rule punishes those who are good at development and able to actually implement the program you wish to succeed.
 - c. The reasoning behind this potential retroactive rule change is to decrease speculative projects. However, developers with a well design land program generally have greater experience developing projects. If a developer is taking the time to sign 60 site leases, they won't be signing poor sites as it would be prohibitively expensive to be doing that.
 - d. If a project has met all the requirements for a lottery submission (non-ministerial permits, interconnection agreement, signed site control), it shouldn't matter when they got it.
 - e. If the goal is to ensure diversity of suppliers, a better approach would be to limit any one developer to a set percentage of the selected sites (i.e. 35%). This would still give them an incentive to procure more sites (i.e. taking a bet that each subsequent site



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increases the likelihood of hitting their cap), but it wouldn't just put their 50 MWs to chance like someone who had fewer sites.

2. Limiting entries into the lottery for community solar projects with interconnection application dates prior to September 10th. We believe this rule will negatively impact the program for the following reasons (similar to the same reasons as #1):
 - a. Ameren clearly stated that submissions were due September 15th. We (and other developers) were relying on the program rules at that time, along with Ameren's guidance. We should not be punished for actively engaging with the utility and following the key dates we've been given.
 - b. Retroactive rule changes reduce or eliminate any confidence in future programs, and in this program. If a rule is going to be changed retroactive, how can we make future investments?
 - c. If a project has met all the requirements for a lottery submission (non-ministerial permits, interconnection agreement, signed site control), it shouldn't matter when they got it. The unintended consequence of using time stamps is that now you need to identify what/when/counts as official time. Does a clerical error (or delay in processing) move an application back (vacation time of the responsible party can impact when the time stamp is garnered although all requirements were met)? Or is there an exception made if an application was delayed due to a 3rd party being on vacation?
3. We believe for distributed projects a signed PPA or site lease must be required. Letters of Intent too often fall through, and this will result in a delay to the processing of the lottery and rewards developers for simply not doing their job on the front end.
 - a. Requiring this ensures that only projects that are real get submitted and eliminates many non-viable projects

Second Set of Issues

1. Uploading ministerial permits: This is not feasible, many permits can only be obtained with final engineering designs, or right before construction. Additionally, ministerial permits are, by nature, routine and not a matter of needing approval, so there is no risk of a project failing due to a ministerial permit. Local permit authorities often lag from their approval of permits to issuing the final documents. They do, however, note their approvals in official meeting minutes, which should be sufficient to show evidence of permit approval. Separately, many local permit authorities do not have permit requirements or permits are not needed for solar projects, so developers should be able to submit this information to satisfy the Lottery's permit requirements (the goal of the permit requirement being to confirm a solar project can proceed with construction).



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2. We have concerns over allowing switching out of projects after in-depth interconnection costs. This would create a cascade impact, and potentially delay projects for months (if not years). We've seen similar issues happen in MN.

We agree with the following requirements:

1. The plan for the small subscriber commitment is a step in the right direction. This is a great program rule, designed to bring community solar to the masses. However, we believe that some developers will simply check the box on small subscribers and then never procure them. We'd suggest not letting REC payments accrue until the small subscriber percent is met, or some other strong enforcement measure to ensure developers aren't simply checking a box and never intending to fulfill it.

Overall, we may have slight disagreements in other areas (or agreement), but none are powerful enough to warrant a response, we only wish to focus on critical issues that materially impact development and IL's ratepayers.

Please feel free to reach out if you have any questions regarding our comments. We are committed to working to make this program a success.

Sincerely,

Cliff Kaehler
CEO, Novel Energy Solutions