

LOW AND MODERATE-INCOME ACCESSIBLE COMMUNITY SOLAR GARDEN PROGRAM

APPLICATION FREQUENTLY ASKED QUESTIONS

Updated March 4, 2024

Questions new to this version are marked as ***New***

TIMELINE

- 1. How long will it take after February 21 for Commerce to approve projects submitted in the first application window?**

Commerce intends to efficiently review applications so that we can provide timely decisions to applicants. The turnaround time, however, will be highly dependent on the number of applications received. If the applications in a given batch will take the program over its allocation cap for the program year, that will trigger a secondary review of all applications in that batch to determine the prioritization score for each application. This will add additional review time.

- *Updated* The webpage references an income verification "look-up tool that references HUD income levels by county that Commerce will provide." Do you know when this kind of tool will be available for our review?**

The [2023 Area Median Income Look-Up Table](#) (.pdf) was published in January. It lists 150% of household area median income for each county in Minnesota by number of people in the household. It is not a "verification" tool, but a way for Subscriber Organizations and potential Subscribers to check the LMI income caps that apply to the program.

- 3. The first application batch will run from February 1 - February 21. Will these be processed on a first-come-first-serve basis? Is there an advantage in submitting project applications right away on February 1 versus February 21?**

No. While Commerce reserves the right to review applications as they are submitted, Commerce will treat all applications submitted during the open window as one batch. Submitting earlier in the window does not provide an applicant with any advantage over an applicant who submits closer to the deadline.

- 4. When will Commerce announce if program capacity will be available for the next application round?**

Commerce will post the total number of MW applied for (before determining if all those applications are complete) on the program's website no later than three business days after the close of the application window. Commerce will announce the total MW of project applications deemed complete from each batch as soon as possible, but cannot provide a target date at this time. Applications for the next round will open on the first of the month, regardless of how many applications are received in the previous batch.

PROGRAM COMPLIANCE

5. **Can Subscriber Organizations use any of the programs listed on page 4 [of the linked ECO guidance](#) to meet the CSG program's LMI requirements?**

Yes. That list of programs, which can be used to show eligibility for low-income ECO programs, may also be used to show eligibility for the LMI-Accessible CSG Program's LMI Subscriber requirements. LMI Subscribers, or "Income-Eligible Subscribers," include households whose income is 150 percent or less of the area median household income, which is a broader income band than those used by the low-income ECO programs.

6. **Has Commerce confirmed that all of these programs are also valid for qualifying as meeting the federal Department of Energy guidelines for LMI (below 80% of AMI) so that collecting this documentation is coherent with federal guidelines?**

No. The LMI-Accessible CSG Program was established under Minnesota law and does not include federal funding, and therefore has not coordinated with any federal agencies on program rules or regulations.

7. **What if the subscription agreement changes from the initial draft filed with the application?**

Updated subscription agreements, along with a written description of what has been changed, must be submitted to the Program Administrator. This is needed to confirm that the project remains in compliance with the program.

8. **Will Commerce accept electronically signed template versions of the Subscriber Disclosure Form cover sheet that match all the formatting requirements listed on pages 5-6? Would Commerce find it acceptable to include the Disclosure Form cover sheet as the front page(s) of a Subscription Agreement with signatures on both the Disclosure Form and the Subscription Agreement pages?**

This is acceptable as long as it contains all of the same content, pending Commerce's review of the final version you would present to Subscribers. However, Subscribers would need to be provided with a downloadable version (or hard copy) of this information for their records.

Commerce reserves the right to request copies of Disclosure Forms for any and all customer classes as part of annual reporting.

9. **How is it handled when a project awarded capacity in a given year does not reach completion later on? For example, say a project is awarded 2 MW in 2024 but then in 2025 falls apart and removes itself from the program. Does that 2 MW go back retroactively to the 2024 waitlist? Is it allocated to the active/current year?**

Projects that apply during the 2024 program year and are placed on the 2024 program year waitlist will be eligible for any capacity allocation from the 2024 program year that may open up after the end of the calendar year.

10. The "Subscription Plan" uses presently available (2023) Average Retail Rates. Will the ARR be updated each year (filed in Feb, approved/active in April)? If, for example, a project energizes in late 2026, would the ARR being provided to subscribers be the 2026 ARR? Is Commerce requiring a fixed subscription rate (and not allowing a fixed discount?)?

Yes, the ARR will be updated each year. No, Commerce is not requiring a fixed subscription rate. The intent of the Subscription Plan is to understand the subscription model and to ensure that subscription costs (including all fees) for any Subscriber do not exceed the value of the Subscriber's bill credit (or 90% of the bill credit for LMI Subscribers) for the length of the Subscription.

11. If a low-income subscriber is subscribed and allocated to a garden in say 2024 but the table with AMI data is updated in a later year, say 2025, and the subscriber that previously qualified is no longer eligible are they "grandfathered in" as eligible since they were eligible at the time of their subscription?

Yes. LMI Subscribers must only be verified once. The verification process must use the AMI data that is current at the time.

12. How should Subscriber Organizations classify/qualify locations such as affordable housing or IDD facilities that house individuals that are low income but where the utility account is managed by a non-profit?

In such a scenario, it will be important to determine what person or entity is listed on the electric account with Xcel Energy, as that is who would be the Subscriber. To become a Subscriber as an Affordable Housing Provider, the Subscriber must be a building owner where a minimum of 66% of units are occupied by low-income households (defined at 80% AMI or below). In select cases, the Program Administrator will work with Subscriber Organizations to determine the best path for hard-to-classify Subscribers.

13. Will self-attestation be a valid mechanism for potential subscribers to verify that they are at or below that LMI threshold? If not, what mechanism will be used to verify LMI status?

Subscriber Organizations may determine income-qualified households by verifying that the household participates in an approved categorical program listed in the December 2023 updated guidance for Energy Conservation and Optimization programs. The Subscriber must provide a card, letter, statement, or other documentation to prove that they participate in the categorical program.

<input type="checkbox"/> Weatherization Assistance Program (WAP)	<input type="checkbox"/> Lifeline (discounted phone and internet service)
<input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP)	<input type="checkbox"/> Telephone Assistance Plan (TAP)
<input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP)	<input type="checkbox"/> Veterans Pension and Survivors Benefit
<input type="checkbox"/> Medicaid/Medical Assistance	<input type="checkbox"/> Head Start (only those meeting its income-qualifying standard)
<input type="checkbox"/> MinnesotaCare	<input type="checkbox"/> Federal Pell Grant from the current award year
<input type="checkbox"/> Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	<input type="checkbox"/> Federal Public Housing Assistance (FPHA), including public housing, Section 8, and PBRA
<input type="checkbox"/> Supplemental Security Income (SSI) – 1- and 2-person households	<input type="checkbox"/> Additional qualifying programs for persons living on a reservation
<input type="checkbox"/> Minnesota Family Investment Program (MFIP)	

If a household does not have documentation of participation in one of these programs, verification of household eligibility will need to be documented through the most recent Tax Return-IRS Form 1040. Forms 1040-SR and 1040-NR are also acceptable. If there are multiple filers within a household, these forms need to be collected for all tax filers in the household. Subscriber Organizations must determine if households fall under the 150% AMI threshold by using “Total Income” as reported on the 1040 and 1040-SR, which is found on Line 9 of the 2023 forms. When using the 1040-NR, use “total effectively connected income,” also on Line 9 of the 2023 form.

Please have the Subscriber delete or redact Social Security Numbers from the Tax Forms before collecting. If the Subscriber is unable to remove their SSN, Subscriber Organizations may do it on the Subscriber’s behalf, provided that the Subscriber Organization does not retain any records that contain SSN data.

Subscriber Organizations must maintain documentation of an approved categorical program or tax forms, confidentially, and have available for the Program Administrator to audit. Please see the Subscriber Organization Code of Conduct for additional information about the protection and security of customer information. The Program Administrator will continue to work on additional pathways to streamline the process.

14. To qualify a household as LMI, do Subscriber Organizations need to just approve the household member that has the electric bill in their name, or do they need to collect information for all household members?

Subscriber Organizations may determine income-qualified households by verifying that the household participates in an approved categorical program listed in the updated guidance for Energy Conservation and Optimization programs. Information proving that the individual listed on the utility bill participates in an approved categorical program is sufficient to qualify the household as an LMI Subscriber.

If the household cannot be approved through categorical eligibility, then income qualification must be done through a household income check as described in the prior answer. In this scenario, Subscriber Organizations must verify the income of the full household, not just the individual listed on the electric bill.

15. For residential subscriptions, what is required if the utility bill changes hands, but the household remains? For example, say the utility bill is in Roommate A’s name and they decide to move out, so the utility bill is transferred to Roommate B, who is remaining in the house. Does the Subscriber Organization need to redo the disclosure forms or complete other paperwork?

Subscriptions are portable and transferable, as long as the Subscriber remains in the Minnesota territory of Xcel Energy. Subscriber Organizations must have mechanisms in place to allow a Subscriber to carry their Subscription to their next eligible residence or place of business – or to transfer their Subscription to another individual or entity, whether that be a housemate or to any other eligible Subscriber. When a Subscription is transferred, the Subscriber Organization must present the new Subscriber with a disclosure form and contract, which must then be signed by the new Subscriber. For residential subscriptions, the new Subscriber must verify their LMI status in order to be an LMI Subscriber.

16. ***New*** If a subscription plan changes in small ways, are garden operators required to notify the Department of Commerce and provide a new subscription plan? Small changes would be ones that shift garden capacity allocations between subscriber types in ways that do not lower a project's prioritization points under the "Financial Benefits to Target Subscribers" section of the prioritization rubric. For example, could we shift garden capacity originally slated to be a commercial subscriber to a new (and singular) backup subscriber, or vice versa? Could we transition capacity held for public interest subscribers to a Master Metered Affordable housing provider or additional LMI subscribers?

Subscriber Organizations will be required to annually publish a signed and notarized report that details the community solar garden's capacity allocated to relevant subscriber categories. The first such report will be due to Commerce within one month of the garden beginning operations. This first report will be used to confirm that the initial subscriber mix meets program requirements and is aligned with the commitments set in the approved subscription plan. Discrepancies between the reported subscriber mix and the subscription plan (without prior approval from Commerce) are allowable if it does not lower the project's prioritization score, as determined by the Program Administrator.

17. ***New*** The guidance suggests a Subscriber has the right to terminate the contract within 5 business days. Our reading of state law is that the standing "cooling off period" law gives parties 3 business days to terminate a services contract (vs 5 days). Could Commerce review this item?

Commerce has reviewed and will update the guidance to change the "right to cancel" period for new subscribers from five days to three in accordance with [cooling-off period rules](#).

18. ***New*** Is Commerce making any changes to the application process for the March application round?

Yes. Commerce is making the following minor changes:

- Adding a question to enter the project's seven-digit interconnection case number.
- For the "Proof of Site Control" question, adding instructions to state that signed and notarized memorandums of lease (or option to lease) are sufficient. Applicants may still submit the full lease or other proof of site control if they choose.

19. ***New*** In program documents, Commerce states that Subscribers ought to contact the Subscriber Organization with disputes between the Subscriber and the Subscriber Organization, and follow up with the Department if the dispute cannot be resolved. Are disputes between the Subscriber and the Utility expected to be handled the same way?

If a Subscriber has a dispute with their utility, the Subscriber should attempt to work with the utility and the Subscriber Organization to try to resolve the issue. Commerce will develop a consumer-focused FAQ to help Subscribers better understand their rights and provide additional guidance for dispute resolution pathways.

- 20. *New*** The Disclosure Form currently requires a Subscriber Organization to list the specific garden to which a Subscriber will eventually be getting their energy. At the point of program application (before a company knows when or whether a given project is going to be accepted into the LMI CSG program, go into service, etc.) it will be virtually impossible to know which specific garden a specific Subscriber will be assigned to. Could Commerce consider amending the program rules?

Subscribers must be connected to a specific garden, and the name of the garden must be listed on the Disclosure Form. A Subscriber Organization may build a subscriber base before the garden is approved without assigning subscribers to a specific garden, but the Subscriber Organization must then later assign those Subscribers to a specific garden and present each Subscriber with a Disclosure Form that lists the garden name.

Separately, there is an application version of the Disclosure Form that developers must submit to Commerce as part of their program applications. For this version of the form, applicants must list the specific garden name and the terms that would apply to the theoretical subscriber.

PRIORITIZATION

- 21. If a project is waitlisted in 2024, can the same project apply for 2025 capacity while still holding its 2024 waitlist position?**

Yes.

- 22. *New*** How does waitlist prioritization work? When a project is placed on the waitlist after program capacity has been initially allocated for the year, can that project's waitlist position be superseded by a project application with a higher score submitted in a later batch?

Yes. Once program capacity has been initially allocated for the year, all remaining projects that meet minimum requirements will be placed on the waitlist in order of their prioritization score. Applications approved in a later batch will be scored and inserted into the waitlist based on their scores. There will be no prioritization based on which batch the application was submitted in.

Once the Program Administrator has verified that program capacity has been met for a program year, Commerce reserves the right to close the program to new applications for the remainder of the program year.

APPLICATION

- 23. What happens if an application is deemed incomplete?**

Applications deemed incomplete will be removed from the application batch and returned to the applicant. Applicants are welcome to address any deficiencies and resubmit a modified application in future application windows. Commerce reserves the right to allow applicants to correct minor issues without removing the application from the batch.

24. Can application materials be considered confidential due to trade secrets?

The outside individual or organization supplying the data to the government entity must establish which data supplied in an application is considered trade secret. However, government entities (Department of Commerce) are ultimately responsible for making the determination as to whether data are trade secret information. Please see the Minnesota Department of Administration's [Trade Secrets page](#) for more information.

25. Can applicants redact application materials that they consider to be confidential?

The application portal will provide a pathway for applicants to address information that they believe meets the trade secret statute. The applicant may provide two versions: one complete for Department of Commerce review and one with redacted elements. Please see the prior question for additional information.

26. If an applicant has any issues with the online portal during the submission window, how much time should applicants expect for responses from applicant support?

The application portal vendor, GrantVantage, maintains a support desk (ApplicantSupport@grantvantage.com) that is typically able to respond within two hours during business hours. Applicants who encounter what they believe are technical system errors with the application portal must report to the GrantVantage support desk at least two hours prior to the submission deadline with screenshots and a summary explanation.

27. Will we be required to supply all variations of a community solar gardens subscription contract, if they vary by customer class (Commercial vs residential)? (I ask since we are only expected to include the one disclosure form)

Yes. Applicants must submit all variations of the subscription contracts that will be used by the project. The sample disclosure form only needs to be completed for the LMI contract.

28. Just to clarify for further project applications, when we submit "Proof of Site Control," is a recorded memorandum of the lease agreement sufficient, given that it is legally binding? Or do we need to provide the full option to lease agreement?

This should be sufficient. If questions arise during the review process, Commerce reserves the right to request additional information and documents.

29. On the Disclosure Form, are subscriber organizations obligated to provide all of the information indicated in the center column, if the first column does not explicitly include the statement "Choose one bracketed statement from column and delete others"?

Commerce expects all applicants to make a good-faith effort to complete the form and will contact applicants if there are questions about information provided on the form. Commerce will also review the formatting of the Disclosure Form to see if clarity can be improved.

30. Is all of the language in the "original" disclosure form/guidance template acceptable to be used in the part to populate? Is the language in the center column still consistent with the expectations of the department when executing the part to populate? For example, for the "Subscription Size" row, are we able to choose ONE of the checkbox items listed in the guidance document? Given the row name being "Subscription Size (kWAC) we want to make sure that we are complying with program rules by sizing the customer in kWh.

Please see the answer to the previous question.

31. *New* Should the subscription plan be completed in a way that shows our aspirational targets for the community solar garden, minimum commitments, or something else?

First and foremost, the subscription plan must show that the community solar garden will meet the minimum program requirements for subscription costs, capacity reservations for select groups, and other subscriber mix rules. Beyond the minimum requirements, applicants can commit to higher minimum levels in select categories in order to earn prioritization points (as laid out in the Prioritization Scoring Rubric). These select categories are marked as blue cells in the Subscription Plan Worksheet. Commerce will treat the values entered in the blue fields as commitments by the Subscriber Organization that must be met. (For more information, please see Question #16.) Values entered in the white cells are not commitments (provided that minimum program requirements are adhered to) because these values are not used for prioritization scoring purposes.

For example, if an applicant wishes to have a Backup Subscriber, the subscription plan should show the intention to have one. The plan cannot list two or more Backup Subscribers, as that is not permitted by statute. The plan must also show a commitment to reserve 50% of garden capacity for LMI Subscribers, as that is a requirement for having a Backup Subscriber. But the Subscriber Organization could ultimately decide, after Commerce approves its project, to not have a Backup Subscriber and instead shift garden capacity to another subscriber type. The Subscriber Organization, however, would still be committed to the capacity allocation it listed for LMI Subscribers and any other values that were listed in blue cells.

An applicant's planned subscriber mix may not fit neatly into the Subscription Plan Worksheet. For example, there is not currently a way to show that the Backup Subscriber is also a Public Interest Subscriber. In these instances, please fill out the worksheet as best as possible and provide a narrative that explains the plan.

INTERCONNECTION

32. Does a legacy (VOS) project that already has an interconnection agreement (system size of 1 megawatt or less) need to submit a new interconnection agreement application through Xcel Energy? Or, since these projects already have received interconnection agreements, can applicants just go straight to submitting these project applications into the Commerce portal as a 2024 CSG when the Commerce portal opens on February 1?

Commerce requires a signed interconnection agreement to apply to the program but does not require that a project enter through a particular interconnection portal. Projects may use an interconnection agreement signed before 2024 to apply to the program.

33. For legacy (VOS) projects that already have queue positions solidified, would applicants be risking our VOS program award/queue position if we submit project applications into the new Commerce program and don't get awarded any of the 100-megawatt capacity?

Xcel Energy will continue to operate the legacy program. Commerce is working with Xcel to coordinate the new program but cannot speak to how Xcel will handle any particular project in the legacy program queue.

PROGRAM CAPACITY

34. Can applications that have previously applied under the legacy program, transition to the new program without being subject to the 100 MW cap requirement in 2024?

No. Securing an Interconnection Agreement is required for the new program. This is done through Xcel Energy. Once a Subscriber Organization has an Interconnection Agreement, it may apply to Commerce for the LMI-Accessible CSG Program. When a Subscriber Organization applies for a project under this program, the project will be part of the batch review process and subject to the same process as all other applicants.

35. Is the overall 100 MW annual capacity limit and the 5 MW project size limit in AC or DC?

Overall capacity and project size limits are measured in alternating current (AC) at the point of interconnection between a distributed generation facility and a utility's electric system.

36. *New* What is the official project size cap for the new program?

Projects up to, and including, 5 MW are allowed, as measured in alternating current (AC) at the point of interconnection between a distributed generation facility and a utility's electric system.

ELIGIBILITY

37. Are projects that have already achieved Commercial Operation or Permission to Operate eligible to apply?

No. Once projects have reached Commercial Operation or Permission to Operate status, they are no longer eligible to apply to this program.

38. Can a project with an existing signed Interconnection and SRC agreement apply to the non-legacy program?

Assuming that "SRC agreement" means that the project has reached Permission to Operate, then no, the project is not eligible to apply.

39. How does the program view colocation of projects? What are the rules/requirements governing any development on the same parcel? On adjacent parcels? On multiple parcels? Are there any rules/requirements if a project is developed in proximity to another type of solar project (behind the meter or the forthcoming DG program)?

Applicants must abide by all laws and regulations. Applicants must submit a signed Interconnection Agreement for each project.

OTHER

40. Will there be a regular (for example annual) process for giving feedback and evaluating the Prioritization Scoring Rubric?

Yes. Commerce will review all program rules and materials on at least an annual basis, which will include an opportunity for stakeholders to provide input.

41. Are there any new application fees/escrow similar to what Xcel had previously required in their process?

No. Commerce will not collect or distribute any funds as part of this program.

42. How would a developer transition a full cluster of multiple 1 MW CSGs into the new program, and ensure that the cluster would be split up?

Each project must submit its own application to be considered for the program, and each application will be reviewed individually. Projects that wish to move forward together are encouraged to submit applications during the same batch window.

43. What kind of role does a backup subscriber play in community solar? In regards to backup subscribers, is it accurate to say they are only temporary placeholders for long-term subscribers? Are there any benefits to being a backup subscriber?

Backup Subscribers are individuals or entities that temporarily assume all or a portion of a community solar garden subscription in the event another Subscriber exits the community solar garden or is delinquent in paying their utility bill. A Backup Subscriber may subscribe to and receive bill credits for up to 15 percent of a community solar garden's annual capacity. When acting in a backup role to fill in for an exiting or delinquent Subscriber, the Backup Subscriber may be automatically subscribed to up to 40 percent of the community solar garden's capacity for up to one year.

44. *New* Has the Department considered a subsequent proposal for any iterative program following a CSG's 25-year CSG program participation?

No, not yet.