



Southern Renewable Energy Association

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September 23, 2025

Elizabeth Ferrier
Attorney, Office of Mineral Resources
Department of Energy and Natural Resources
617 North Third Street, 8th Floor
Baton Rouge, LA 70802
Via email to dnrsolarreg@la.gov

Re: Proposed Rule on Regulation of Solar Power Generation Facilities

Dear Ms. Ferrier:

Please find enclosed the **Southern Renewable Energy Association's Revised Comments** on the Louisiana Department of Energy and Natural Resources' proposed Rule on Regulation of Solar Power Generation Facilities (LAC 43:I.5101-5121).

Please contact me at (501) 701-0874 or whit@southernrenewable.org if you have any questions regarding these comments.

Respectfully submitted,

A handwritten signature in black ink that reads "Whit Cox" with a stylized flourish at the end.

Whit Cox
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Enclosure

Southern Renewable Energy Association
Comments on Louisiana Department of Energy and Natural Resources’
Proposed Solar Power Generation Facility Decommissioning Regulations

The Southern Renewable Energy Association (SREA) appreciates this opportunity to submit written comments on the Louisiana Department of Energy and Natural Resources’ (Department) “Solar Power Generation Facility Decommissioning and Financial Security Regulations” (“the Regulations”),¹ SREA is a non-profit regional trade association that works to promote the responsible development and use of utility-scale wind energy, solar energy, energy storage, and transmission solutions throughout the South. Our members include renewable energy developers, owners, and operators (e.g., solar industries), as well as consumers that have aggressive clean energy goals.

As discussed in more detail below, SREA commends the Department for developing regulations that largely execute the terms and intent of the underlying statute and present a workable general framework for solar facility decommissioning and permitting in Louisiana. SREA also appreciates the Department’s responsiveness to issues raised in our initial comments on the proposed regulations and changes that the Department has made to make the program more efficient, workable, and effective. In particular, SREA supports new language in Section 5103(B)(2) to help avoid unnecessarily duplicative and conflicting regulations across the state; clarification of the Restoration definition to include agreed-upon conditions; additions of Force Majeure Event and Construction definitions; the addition of a transferability provision; and clarification of the scope of public hearings.

¹ Notice of Intent, Regulation of Solar Power Generation Facilities (LAC 43:I.Chapter 51), 51 *Louisiana Register* 8, at 120 (August 20, 2025).

At the same time, the Regulations continue to present a limited number of very important issues that unless addressed could substantially disrupt, delay, and impair solar facility development in Louisiana – a problematic result in the near term, given that changes at the federal level have greatly increased the costs of failing to construct and commission solar facilities in the next few years. The two largest issues in this regard are: (1) disruptive delays from unbounded permit review and issuance procedures, and (2) financial security posting requirements that greatly exceed the actual costs of decommissioning. As discussed in more detail below, tailored changes to the regulations could remedy these problems while maintaining fidelity to Louisiana Revised Statute 30:1154 and other applicable laws. SREA respectfully requests that the Department consider these changes to make the program more administrable and to avoid the unintended disruption of energy projects vital for powering Louisiana’s ongoing economic development and bringing needed revenue to local jurisdictions.

I. Background and Applicable Law

Louisiana Revised Statute 30:1154 states the following regarding the Department’s development of regulations governing solar power generation facilities:

- A. The secretary shall develop and adopt, in cooperation with affected utility, agricultural, and solar industries; landowners; and consumer representatives and after one or more public hearings, regulations governing solar power generation facilities and property leases for the exploration, development, and production of solar energy. ***The regulations shall be designed to encourage the development and use of solar energy*** and to provide maximum information to the public concerning solar devices and solar power generation facilities...²
- B. The secretary shall give due consideration to the effects of the regulations on the cost of purchasing, installing, operating, and maintaining solar devices in a solar power generation facility and shall reassess and amend the regulations as often as deemed necessary considering their effect upon the benefits and

² R.S. 30:1154(A). (emphasis added)

disadvantages to the widespread adoption of solar energy systems and the need to encourage creativity and innovative adaptations of solar energy.³

II. SREA's Recommendations

Consistent with the mandate to design regulations “to encourage the development and use of solar energy and to provide maximum information to the public concerning solar devices and solar power generation facilities,”⁴ SREA offers the following recommendations to make the regulations more administrable and less disruptive to solar energy project development in Louisiana

§5101. Definitions

- **“Designated Operator”** – As currently drafted, this definition is somewhat unclear in how a person or party would become a recognized Designated Operator, which could lead to confusion. We suggest the following reword to clarify and make consistent with Section 1505(A):

Designated Operator—any person with control or management of activities of a solar power generation facility ~~and who~~; is authorized on behalf of all responsible parties, ~~is as~~ primarily responsible for complying with all registration, permit, and financial security requirements set forth in this Chapter.

§5103. Applicability

- **Concern – Lack of clear preemption:** In our initial comments, SREA recommended that the Department clarify that the Rule expressly preempts any duplicative or contradictory requirements from being imposed on solar facilities at the local level. We appreciated the addition of Section §5103(B)(2), which provides: “Nothing in this Chapter shall be construed as... (2) authorizing local government to adopt and enforce rules for facilities that are more

³ R.S. 30:1154(B).

⁴ R.S. 30:1154(A).

restrictive than or inconsistent with the rules set forth in this Chapter.” However, SREA is still concerned that nothing in these proposed Rules clearly preempts local governments from adopting duplicative or more burdensome decommissioning rules.

- **Recommendation:** SREA recommends revising Section §5103(B)(1) as follows:

B. Nothing in this Chapter shall be construed as:

1. Limiting the authority of the local government or the parties to a lease or other contractual agreement to establish and implement requirements and obligations not specified in this Chapter, except that a local government shall not impose removal or restoration obligations or require financial assurance securing such obligations that are more stringent than or additional to those provided for in this Chapter.

§5105. General Requirements for Solar Power Generation Facilities – D

SREA appreciates that addition of Section §5105 D to clarify that permits “may be transferred during the develop and operation of the facility.”

§5109. Permit Requirement

- **Concern – Applicability Timing:** SREA appreciates the inclusion of language in §5109(B) to provide that projects under construction or operational as of the effective date have one year to submit a complete permit application. In light of the extensive notice provisions contained in the Rule, however, we are concerned that mature projects scheduled to become operational or commence construction in the next several months could experience serious disruption without additional modifications. For example, a project already scheduled to commence construction in November or December of this year could see its construction and placed-in-service dates delayed several months due to the notice time periods. That kind of unexpected delay, occurring late in projects’ multi-year development process, could jeopardize tax credit

eligibility and render the projects financially unviable.⁵ Similarly, if a project were scheduled to become operational later this year, it might see that placed-in-service date delayed due to the need to comply with the regulation’s timelines before becoming operational. Further, given the uncertainty regarding the effective date of these rules, it would be consistent with legislative intent to allow some additional time to projects that commence construction shortly after the rules are adopted, so as to not cause unnecessary delays in construction.

- **Recommendation:** To avoid significant disruption of projects poised to bring cost-effective Louisiana businesses and ratepayers, SREA would recommend the following language change:

The designated operator of a facility shall submit an administratively complete permit application to the department in advance of completing construction. The designated operator of a facility that has commenced construction or is in operation before four months after the effective date of these rules shall have one year from the effective date to submit an administratively complete permit application.

- **Concern – Required Information:** Section 5109(B)(9) of the Rule requires “any other information required by the department” for issuing permits under this Subpart “or that is relevant and reasonable” to implement the rules.” SREA respectfully submits that this scope remains broad, uncertain and largely unknowable by permittees in advance, and could therefore result in significant delays in submitting complete permit applications.
- **Recommendation:** SREA continues to recommend deleting Section 5109(B)(9) or requiring the Department to post any information requirements publicly and in advance of applications

⁵ One Big Beautiful Bill Act, 139 Stat. 72, Pub. L. 119-21 (2025), <https://www.congress.gov/bill/119th-congress/house-bill/1/text> (Pursuant to Sections 48E and 45Y of the One Big Beautiful Bill Act, if a wind or solar facility does not begin construction within one year of the Act’s enactment (i.e., by July 4, 2026), then tax credits are terminated unless the facility is placed in service on or before December 31, 2027,); *See also* <https://www.kirkland.com/publications/kirkland-alert/2025/08/one-big-beautiful-bill-act-brings-big-changes-to-green-energy-tax-credits>.

so that projects are not delayed by unforeseen and unforeseeable information requirements that only become clear after an initial application has been submitted.

- **Concern – Permit Review Timing:** SREA appreciates the Department addressing concerns we earlier raised regarding permit review and issuance timing. Unfortunately, due to changes in federal tax law this summer, the need for projects to quickly start and continue construction has dramatically increased, with tax credit eligibility hinging on substantially shortened dates and more rigid timelines for commencing construction, continuing construction, and placing projects in service. Accordingly, while the change from a 90-day timeframe for the Department to review permit applications for administrative completeness to a 60-day timeframe is a welcome change, SREA is concerned that the remainder of the review process, without additional safeguards, could swamp that improvement and render many projects ineligible for tax credits and thus make them infeasible. Among other things, there is no timeframe for Department review of deficiency cures; a lengthy (30 day) time for publishing notice of completion after issuance; no specified timeframe receiving public comment and requests for hearing; and no specified timeframe for deciding whether to hold a hearing or for holding a hearing. Further, there is no specified remedy in the event that the Department does not meet the applicable deadlines.
- **Recommendation:** Consistent with the requirement that regulations be “designed to encourage the development and use of solar energy,”⁶ SREA continues to recommend 30 days for initial completeness review as contained in ACP’s Model Regulations for Utility-Scale

⁶ R.S. 30:1154(A).

Solar Energy Systems.⁷ Additionally, the rules should provide that the application is deemed administratively complete if the department does not issue a written notice within the applicable timeframe. SREA would further recommend:

- 15-day period for review of deficiency cures and decision on completeness;
- 15-day period for publishing notice of completion after issuance;
- 30-day period for receiving public comments and requests for hearing;
- 15-day period for deciding whether to hold a hearing; and
- 30-day period in which to hold any hearing.

Taken together, these timelines would mean that even where an applicant submits an administratively complete application, where a hearing is requested and held, a Department decision would occur approximately 95 days after submission, while a single round of curing incompleteness would stretch the timeline to 180 days assuming the applicant is able to provide missing information within 15 days. These timelines are consistent with efforts to accelerate permitting review timelines in other states and ensure that projects move forward on a commercially expedient pace without facing the unbounded delays in the current rule.

- **Concern – Security Timing:** While Section 5109(B)(5) has been changed to remove the requirement that an applicant provide “proof” of financial security with application, it still requires that such security is due to the secretary before a permit can be issued. As noted in our initial comments, it is customary practice across state and local regulations to require a

⁷ American Clean Power Association (ACP), *Utility-Scale Solar Energy Systems, Model Ordinance Framework* at 6 (“The [Department] shall complete an initial review of the application to determine whether the required elements in the application established within this ordinance are present and shall provide written notice of completeness or issue a notice of deficiency within 30 calendar days of receipt of the application.”), available at https://cleanpower.org/wp-content/uploads/gateway/gateway/2024/11/ACP_Model-Commercial-Solar-Ordinance_StandardsPractices_241114.pdf.

bond be delivered several years *after* a project is constructed, not before, since such assurances are intended to protect against the abandonment of infrastructure in place.

- **Recommendation:** Consistent with best practices in other states, the regulations should provide a schedule that allows for financial assurance to be provided in increasing increments once a project is operational.

For instance, Department should consider the following financial assurance schedules adopted by other states:

- Texas allows delivery of financial assurance to be delayed until the 20th anniversary of the commercial operations date (COD) or lease termination if earlier.⁸
- Tennessee requires 5% at COD, 50% by year 10, and 100% by year 15.⁹
- Michigan’s state law likewise provides that “the financial assurance may be posted in increments as follows:
 - (i) At least 25% by the start of full commercial operation.
 - (ii) At least 50% by the start of the fifth year of commercial operation.
 - (iii) 100% by the start of the tenth year of commercial operation.¹⁰

⁸ Tex. Utilities Code § 302.0005 (“(e) The agreement must provide that the grantee shall deliver the financial assurance not later than the earlier of: (1) the date the solar power facility agreement is terminated; or (2) the 20th anniversary of the commercial operations date of the solar power facilities located on the landowner’s leased property.”)

⁹ Tenn. Code Ann. § 66-9-207 (“(c) (1) A solar power facility agreement must require the grantee to obtain and deliver to the landowner financial assurance in the following amounts to secure the performance of the grantee’s removal and restoration obligations in subsection (b): (A) No less than five percent (5%) of the decommissioning cost on the date the solar power facility commences commercial operation; (B) No less than fifty percent (50%) of the decommissioning cost on the tenth anniversary of the date the solar power facility commences commercial operation; and (C) No less than the decommissioning cost on the fifteenth anniversary of the date the solar power facility commences commercial operation.”).

¹⁰ Michigan Act 233 of 2023, Part 8, Wind Solar and Storage Certification, Sec. 225(r), available at legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0233.htm.

SREA recommends that the Department revise the proposed Rule provide a payment schedule similar to Tennessee, which provides a reasonable middle ground.

§5113. Decommissioning Requirements – C. Decommissioning Plan

- **Concern – Contingency Rate:** Financial security calculation includes a contingency rate (i.e., “an increase of the gross cost by a percentage determined by the department”).¹¹ While SREA appreciates that detail has been added here – including a inflation cap of 2% per annum – we are still concerned that this could significantly increase front-end costs based on worst-case scenarios that will not feasibly transpire for a newly constructed and operating solar facility with a useful lifespan and contractual obligations to generate for decades to come.
- **Recommendation:** The contingency rate should be removed from the Rule. Alternatively, if the Rule includes a contingency rate, the rate should be defined as no more than 10% over the useful life of the facility.

§5113. Decommissioning Requirements – E

SREA appreciates the addition of the exemption that is provided in Section §5113(E):

E. A facility that is under construction or operating prior to the effective date and has either provided a decommissioning plan or entered into a decommissioning agreement with the landowner, local police jury or council, or both may use the existing plan or agreement in its permit application. However, the designated operator must submit revised plans in accordance with Subsection (D) that complies with the requirements set forth in Subsection (C).

- **Concern:** Given that “decommissioning agreement” is not a defined term in the Rule, it is unclear whether a lease agreement that includes a decommissioning plan would

¹¹ Section 5113(C)(7)(d) (“If the financial security instrument is a performance bond, an irrevocable letter of credit, or both, a contingency rate, which is an increase of the gross cost by a percentage determined by the department, shall be added to the net decommissioning cost. The contingency rate accounts for the margin of error inherent in estimations and allows for flexibility in responding to unexpected decommissioning costs.”)

qualify as a decommissioning agreement, or whether this would need to be a separate agreement.

- **Recommendation:** The Department should clarify that “decommissioning agreement” includes a lease with a decommissioning plan, and thus does not need to be a separate agreement. This would provide clarity and avoid the need for parties to execute duplicative agreements.

§5113. Decommissioning Requirements – F

SREA likewise appreciates the addition of the exemption that is provided in Section §5113(F):

F. The secretary may grant an exemption from the decommissioning activities required in Subsection (A) upon a showing that the owner(s) of the land where the facility is situated have formally authorized decommissioning activities less than, or alternative to, those required in Subsection (A).

1. To qualify for the decommissioning exemption, the designated operator shall submit a request to the secretary that includes the following information:
 - a. detailed written description of the alternate decommissioning plan;
 - b. written document, signed by all affected landowner(s) and two witnesses, evidencing unequivocal consent by the landowner(s) to the alternate decommissioning plan;
 - c. written justification for the exemption, including but not limited to any potential economic, environmental, or personal benefits to the landowner and neighboring tracts of land;
 - d. a detailed written description and illustrative map(s) evidencing the condition of the land after the alternative decommissioning activities; and
 - e. any other relevant information requested by the secretary to make a determination.
- **Concern:** A particular project may have multiple leases with multiple landowners, so there should not be a requirement that all landowners sign the same written document.

- **Recommendation:** Consistent with our recommendations on §5113(E), SREA recommends that Department clarify that applicable document may be a lease that contains a decommissioning plan. SREA suggests the following revision to 5113(F)(1)(b):

c. written document(s), such as a lease or leases, signed by all affected landowner(s) and two witnesses, evidencing unequivocal consent by the landowner(s) to the alternate decommissioning plan;

§5115. Financial Security Requirements

- **Concern – Inflated Decommissioning Posting Amounts:** The regulations prohibit the use of salvage value to offset from the full cost of decommissioning, unless the designated operator is in bankruptcy and provides a lien.¹² This is contrary to prevailing practices in other jurisdictions, which recognize that financial security for decommissioning costs – basically, an insurance product provided for a worst-case scenario that the solar facility operator does not decommission the facility – should be sized according to the *net* costs of decommissioning in such a scenario, i.e., the likely actual costs. For instance, Georgia law defines financial assurance as follows:

(2) The amount of the financial assurance shall be:

(A) At least equal to the estimated cost of removing the solar power facilities from the landowner's property and restoring the property to the conditions described in Code Section 46-3-69:

- (i) ***Minus the salvage value of the solar power facilities;*** and
- (ii) Plus any portion of the value of the solar power facilities pledged to secure outstanding debt; and

¹² Section 5115(E). (“The salvage value of solar devices, integrated equipment, and other materials associated with a facility may be deducted from the decommissioning cost estimate during the bankruptcy of the designated operator if the designated operator provides the department with a lien of first priority in an amount equal to the value of the salvageable materials as itemized in the decommissioning plan, and the department determines the salvageable materials are available during decommissioning.”)

(B) Determined by an independent, third-party professional engineer licensed in this state.¹³

The regulations recognize this basic equation, specifying that a “decommissioning cost estimate” should include gross decommissioning costs, equipment salvage value, and “net decommissioning costs, calculated as the difference between the gross costs and the salvage value.” Section 5113(C)(7). Further, the specific regulatory provision requiring the posing of security states that the security must be “in an amount that will ensure sufficient funds are available for all decommissioning activities” and “shall secure the cost of decommissioning. . .” 5115(A).

However, the regulations then change course. They go on to require that operator can only meet the financial security requirement by submitting a performance bond or letter of credit in an amount “equate to 100 percent of the *gross* decommissioning cost estimate as set forth in Section 5113(C)(7),” while separately requiring cash payments to be made on a quarterly basis to be “used by the department to decommission facilities” where they have been abandoned or otherwise not decommissioned. The subsequent enforcement sections provide that the Department can call upon the financial security instrument to decommission the facility and seek redress against the responsible parties if funds are insufficient, but they do not provide for any means of returning funds to those parties if the funds are in excess of actual decommissioning costs. Further, where the Department holds a lien for the salvage value of the solar equipment, the regulations require that the landowner permit the Department to enter the property and “retrieve the items to be salvaged as permissible by right.” 5117(C)(3)

¹³ Ga. Code Ann., § 46-3-69.1(a). (emphasis added)

Taken together these provisions mean that, in an individual decommissioning case, the Department could: (1) redeem a financial instrument for the cash value of *gross* decommissioning costs, (2) seize and liquidate salvage property worth millions of dollars in excess of those costs, and (3) not return any funds to the responsible party even though the cash proceeds exceed actual decommissioning costs – as they almost by definition will. That result cannot be what the legislature intended when it directed the Department to promulgate regulations “designed to encourage the development and use of solar energy,”¹⁴ and it strains, and arguably exceeds, state and federal Constitutional bounds on commandeering private property for public use without just compensation. Nor does the result square with the regulations themselves, which correctly recognize the difference between gross and net decommissioning costs, which includes salvage proceeds as an offset.

SREA therefore renews its request that the regulations be modified to require that responsible parties post security sufficient to cover net decommissioning costs. In doing so, we are mindful that the enabling statute states that the secretary:

...may consider only the salvage value of the facility and associated infrastructure in determining the estimated cost of site closure and remediation if the materials are available in decommissioning during a bankruptcy of the facility owner or operator.¹⁵

This language is unclear on its face. Read literally, it allows the secretary to “consider only” the facility’s salvage value available during bankruptcy in determining estimated remediation costs, which would yield a nonsensical estimate (since it would consider only salvage value, not remediation costs). To the extent the language was instead meant to limit consideration of

¹⁴ R.S. 30:1154(A).

¹⁵ LA Rev Stat § 30:1154 (A)(9)(b)(iii) (2024).

salvage value in estimated decommissioning costs, it seems to only to limit that consideration where the materials may *not* be available in the event of a bankruptcy. Thus, where the Secretary is satisfied that the materials would be available, even in the event of a bankruptcy, their salvage value *may* be considered.

Further, it is important to understand that the above limitation on when salvage value can be considered relates only to *one of three* factors that the Secretary *must* consider in determining the adequacy of a bond or other financial security, namely the “estimated cost of site closure and remediation.” The other two factors that must be considered -- (i) the assets, debts, and compliance history of the applicant or permittee, and (ii) the condition and capacity of the facilities to be covered by such security – require the Department to consider the broader facts concerning the facility and the applicant, including the “condition and capacity” of the solar facilities covered by the security. Accordingly, in *excluding* consideration of the value of facilities covered by the security in setting the determining the amount of financial security, the Regulations run afoul of the statute.

- **Recommendation:** The Department should, and under the statute must, consider the value of facility equipment in setting the amount and requirements of a facility’s financial security. Further, in estimating the cost of site closure and remediation, the Department should consider the explicit salvage value of facility property and equipment where such materials would be available to the Department in the event of a bankruptcy. The Department should make the following edits to Section 5115(C)

1. Performance Bond. Submitting to the department a performance bond in an amount equal to 100 percent of the ~~gross~~ net decommissioning cost estimate as set forth in Section 5113(C)(7)...

2. Irrevocable Letter(s) of Credit. Submitting to the department an irrevocable letter(s) of credit that equal to 100 percent of the ~~gross~~ net decommissioning cost estimate as set forth in Section 5113(C)(7)...

§5121. Fees

Section 5121 (A)(1) requires an application fee of \$15/acre. Section 5121(B) requires an annual monitoring and maintenance fee of up to \$15/acre. According to the Solar Energy Industries Association, “A utility-scale solar power plant may require between 5 and 7 acres per megawatt (MW) of generating capacity.”¹⁶

- **Concern:** Although the statute authorizes the Department to set application fees up to \$15 per acre, the statute does not require fees to be set this high.¹⁷ Likewise, the General Assembly granted the Department discretion to set fees at a lower amount, and directed that “[t]he regulations shall be designed to encourage the development and use of solar energy.”¹⁸ The fees required by Section 5121 could be excessively high, particularly for larger projects. For instance, a 500 MW solar power generation facility that uses 7 acres per MW could incur a \$52,500 application fee and up to a \$52,500 annual fee.¹⁹ Pursuant to the Fiscal and Economic Impact Statement, the proposed new rule is estimated to cost \$304,511 in FY 25, \$310,602 in FY 26, and \$316,814 in FY 27. A \$52,500 application fee for a program with an estimated cost of approximately \$300,000 is excessive. Further, although Section 5121(D) provides that the annual monitoring and maintenance fee is capped by a designated operator’s pro-rata share of

¹⁶ <https://seia.org/initiatives/land-use-solar-development/>.

¹⁷ La. Stat. Ann. § 30:1154 (a) “An application fee not to exceed fifteen dollars per acre of the solar power generation facility footprint.”

¹⁸ La. Stat. Ann. § 30:1154(A).

¹⁹ 500MW x 7acres/MW = 5,000 acres x \$15/acre = \$52,500.

the department's budgeted costs for implementing and administering these provisions, this cap does not provide sufficient certainty to investors.²⁰

- **Recommendation:** The DENR should reduce the application fees to no more than \$10/acre, and reduce the annual monitoring and maintenance fees to no more than \$5/acre. Additionally, the Department should set a reasonable cap on the application fee, such as no more than \$30,000. Reducing the fees to more reasonable amounts would be consistent with the public policy that “[t]he regulations shall be designed to encourage the development and use of solar energy.”²¹

Fiscal and Economic Impact Statement:

- **Concern:** The “Estimated Effect on Revenue Collections of State or Local Government Units” discussion still states that “the proposed rule will increase revenue for the state through the implementation of new fees.”²² As noted by SREA before and above, the Rule without changes could decrease revenue if, for example, decommissioning fees and financial security requirements are set counterfactually high, i.e., in a way that allows the Department to collect both the gross decommissioning costs and material salvage proceeds rather than actual net decommissioning costs. Unless that is changed, the rule should acknowledge that it will decrease solar development and thus reduce local and state revenues.

²⁰ §5121.(D) (“In any fiscal year, the monitoring and maintenance fee charged to designated operators shall not exceed their pro-rata share of the department’s budgeted costs for implementing and administering these provisions.”).

²¹ La. Stat. Ann. § 30:1154(A).

²² Fiscal and Economic Impact Statement for Administrative Rules, Section II. Estimated Effect on Revenue Collections of State or Local Government Units.

Regulatory Guidance:

SREA recommends that the DENR consider publishing additional regulatory guidance to help solar developers implement these new regulatory requirements. For instance, publishing standardized guidance for how to develop a compliant decommissioning plan, such a recommended model template, would be helpful to industry. Additionally, to the extent that solar developers are encouraged and enabled to utilize a recommended decommissioning plan template, this standardization could help DENR's review process to be more efficient. DENR could even incentivize the use of a model decommissioning plan template by providing more expedited review of permit applications that utilize the model decommissioning plan template, such as SREA's recommended 30 days for initial review.

Administrative Efficiency:

SREA recommends that the DENR consider additional opportunities for streamlining the permitting process. For instance, the DENR should consider combining the solar decommissioning permit and the general solar permits that are required pursuant to Act 279 of 2025 for facilities where both permits are applicable (i.e., for facilities with a footprint of seventy-five or more acres). For these larger facilities that are subject to both permitting requirements, a combined permit could help to streamline the process.

Request for a Public Hearing:

Pursuant to the Notice of Intent and LA R.S. 49:961(B)(1), SREA requests that a public hearing be held on Friday, September 26, 2025. As an association with at least twenty-five members, SREA meets the criteria to request a public hearing pursuant to LA R.S. 49:961(B)(1).²³

III. Conclusion

SREA thanks the Department for the opportunity to provide comments on its Rule to regulate Solar Power Generation Facilities. The Department has done a commendable job translating the statute into a regulatory framework and incorporating feedback and solving many issues with the initial draft. SREA has limited its current round of comments on remaining issues that are of major significance for our members in the present economic and regulatory environment, which has changed substantially over the past six months to create an unprecedented urgency in getting projects constructed and operating in the coming months and few years. Every delay on the construction front end translates into delays on the operational back end. Delays in both commencing construction and delays in achieving commercial operation could significantly increase the cost of planned projects by removing or substantially reducing tax credits that the projects can realize. Since the cost of power – regardless of generation source -- is ultimately borne by ratepayers, unnecessary or avoidable delays that increase generation project costs will raise prices for consumers at a time of pervasive inflationary pressures. SREA's recommended revisions are submitted in the spirit of reconciling the challenging statutory directives of Louisiana Revised

²³ LA R.S. 49:961(B)(1) ("In the case of substantive rules, the agency shall grant an opportunity for oral presentation or argument if requested within twenty days after publication of the rule pursuant to Subsection A of this Section by twenty-five persons, by a governmental subdivision or agency, ***by an association having not less than twenty-five members***, or by a committee of either house of the legislature to which the proposed rule change has been referred pursuant to [R.S. 49:966](#).") (emphasis added) SREA's members may be viewed at the following link: <https://southernrenewable.org/members>.

Statute 30:1154 with the shared desire for an efficient, effective program that both encourages the development and use of solar energy and guarantees responsible facility decommissioning and site restoration. Thank you again for your consideration.

Respectfully submitted,



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