



TACIR INSIGHT

TENNESSEE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

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MANAGING SOLAR ENERGY DEVELOPMENT TO BALANCE PRIVATE PROPERTY RIGHTS AND CONSUMER PROTECTION WITH THE PROTECTION OF LAND AND COMMUNITIES

Background

Property rights, land use—including the loss of prime farmland and undeveloped land— aesthetics, environmental effects, and the desire to protect landowners are driving disputes and raising questions among stakeholders about utility-scale solar development across Tennessee as utilities look to add more large solar facilities to their energy portfolios. Additionally, the expansion of residential solar has led to concerns about fraud. The tools to balance private property rights and community interests for utility-scale solar already exist, while increased consumer protection for residential solar may be beneficial. TACIR has released its study of issues stemming from the development of utility-scale solar facilities and the residential solar market in Tennessee as directed by Public Chapter 1043, Acts of 2022.

Findings and Recommendations

The report recommends that

- the Tennessee Department of Environment and Conservation (TDEC) Office of Energy Programs continue to expand and maintain its existing website with additional guidance and resources on utility-scale solar for local governments, landowners, developers, and the public, like Kentucky. Representatives of that office say they are willing to do so;
- the TDEC Office of Energy Programs continue to expand and maintain its webpage that provides guidance and resources on residential solar for the public. Representatives of that office say they are willing to do so; and
- recognizing that care would need to be taken to avoid undermining the intent of the General Assembly's past efforts at tort reform, the Commission recommends that the state consider raising the penalty for violations of the Consumer Protection Act if the good or service involved has a value greater than a monetary threshold set by the state.

See TACIR's full report at the following link for additional information:

<https://www.tn.gov/tacir/tacir-publications/publications-by-date.html>.