

March 7, 2022



The Honorable Gina Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Raimondo,

We respectfully request that you reject the anti-circumvention petition filed by Auxin Solar (Auxin) on February 8, 2022, as it does not meet the minimum requirements for initiation. Based on over a decade of established U.S. Department of Commerce (Department) precedent and the information contained in the petition, the Department has a sufficient basis to conclude now that the crystalline silicon photovoltaic (CSPV) cell and module manufacturing operations taking place in the subject countries greatly exceed the “minor or insignificant” standard of the anti-circumvention statute (19 U.S.C. § 1677j). For this reason, the Department should exercise its discretion to reject the petition outright and not delay the inevitable.

The petition lacks legal and factual merit. It is based on the absurd, and contradictory, notion that the production of CSPV cells and modules is a minor or insignificant process. In fact, as even Auxin and its co-petitioner in the recent Section 201 extension investigation Suniva have recognized, both solar cell and module manufacturing processes are capital intensive and require sophisticated manufacturing operations.

In an October 2021 submission to the U.S. International Trade Commission (USITC), Auxin stated that solar module manufacturing was “capital intensive and technologically sophisticated.” In addition, Suniva stated in its December 2021 comments to the Office of the U.S. Trade Representative that “[t]he CSPV cell, in particular, is the heart of a solar panel and contains most of the intellectual property and innovation.” We agree, and so does the Department based on more than a decade of related determinations.

In our view, this petition represents yet another attempt to abuse the anti-circumvention law and avoid an investigation by the Department into whether the CSPV cells and modules in question are actually unfairly subsidized and/or sold at less than fair value. The petitioner seeks to game the system by imposing cost-prohibitive duties on its competitors, including its fellow domestic module manufacturers who depend on imported cells from Southeast Asia, without due process and a formal USITC injury investigation.

Importantly, initiation alone would have a devastating impact on our companies and the more than 231,000 workers employed in the U.S. solar industry. The petition would unfairly hit CSPV cells and modules from Cambodia, Malaysia, Thailand, and Vietnam – the source of more than 80% of U.S. solar imports and the majority of U.S. supply – with massive duties ranging from 50 to 250%. This in turn would stall both ongoing and planned U.S. solar projects and lead to the loss of over 45,000 American jobs, including 15,000 domestic solar manufacturing jobs. We note that SEIA has been quite prescient on trade-related industry forecasts, as we have just seen with the previous anonymous solar anti-circumvention petitions that were rejected by the Department.

We will also lose nearly 14GW of solar deployment, equivalent to more than half of all solar installed in the United States last year, making it nearly impossible to meet President Biden’s climate goals, and all because a single company is seeking to inappropriately exploit the law for market advantage. It will take years to catch up on the lost solar deployment caused by this unfair and dangerous petition. This is time we can no longer afford. Just last week, the United Nations Intergovernmental Panel on Climate Change warned that humanity has only a “brief and rapidly closing window” to address the dire threat of climate change.

March 7, 2022



We have also experienced first-hand the harsh impact even the filing of an anti-circumvention petition can have on the U.S. solar supply chain. In response to increased risks associated with the anonymous anti-circumvention petitions filed in August 2021, foreign suppliers began withholding shipments to the United States until business certainty was established. Neither U.S. importers nor purchasers could reasonably be expected to assume such risks. As a result, and as SEIA forecast, many solar projects were delayed, including projects under construction, and many jobs were lost.

We urge you to again exercise your discretion and decline to initiate an anti-circumvention investigation. This will avoid catastrophic and unnecessary harm to both the U.S. solar industry and the nation's ability to address climate change.

Thank you in advance for your consideration of this critically important issue.

Sincerely,

8minute Solar
A and R Solar SPC
Acciona Energy
Adapture Renewables, Inc
Advantage Capital
Aegis Renewable Energy
Aerocompact
Alder Energy Systems
All Bright Solar
Allterra Environmental, Inc.
AlsoEnergy, LLC
Alternative Energy Systems, Inc.
Amicus Solar Cooperative
AMP Solar Group, Inc.
Aptos Solar Technology LLC
Arch Electric
Arctic Solar Ventures Coporation
Arevon
ARM Group LLC
Artisan Electric Inc.
AUI Partners, LLC
AVANA Capital
Axium Solar
BayWa r.e. US
Belmont Solar
Blattner Company
BluePath Finance LLC
Bluestem Energy Solutions

BlueWave Solar
Borrego
Brooklyn Solar Canopy Co., Inc.
CA Clean Energy LLC
CalCom Energy
Canadian Premium Sands
Carolina Mountain Solar
Carolina Solar Energy, LLC
Cascadia Solar
CED Greentech
Cenergy Power
Chaberton Energy
Clearway Energy Group
Colite Technologies
Colorado Solar & Storage Association (COSSA)
Community Power Group, LLC
Cosmic Solar, Inc.
Creative Energies
CS Energy, LLC
Current Home Inc
CVE North America, Inc.
D.E. Shaw & Co., L.P.
Devlin Contracting & Maintenance, Inc (Devlin Solar)
DG+ Design
Distributed Sun LLC
DNV Energy USA, Inc.
Dynamic Energy
Eagle Solar & Light

March 7, 2022



Eden Renewables
EDP Renewables
EmPower Solar
En-Trust LLC
Energy Intelligence Partners
EnergySage
Envinity, Inc.
Excite Energy
Fire Mountain Solar LLC
Flywheel Development LLC
Freedom Forever
FTC Solar Inc.
G.M.U. Research & Technology
G2 Energy Services Inc
GAF Energy
Gardner Solar, LLC
General Electric Company
Geoscape Solar
Go Smart Solar
Grasshopper Solar Corporation
Green Bee Solar LLC
Green Street Power Partners, LLC
Green Wave Solar
Greenalia Solar Power Inc
Greenskies
GreenSpark Solar
Gregory Cox & Associates
GroundWork Renewables, Inc.
Hecate Energy, LLC
Hexagon Energy, LLC
High Road Clean Energy LLC
Hyundai Energy Solutions America
Idemitsu Renewables
Impact Power Solutions
Individual
Inovateus Solar LLC
Invenergy
Ipsun Solar
Kendall Sustainable Infrastructure

Kiterocket
Liberty Power
Lightsource bp
LightWave Solar Electric LLC
Loeb Clean Energy Consulting, LLC
Luminant Energy Corporation
MAD Energy NW, LLC
McCarthy Building Companies
McKinstry
MKD Electric
Morse Associates, Inc.
My Generation Energy, Inc.
Mynt Systems
Namaste Solar
National Grid Renewables
Nautilus Solar Energy, LLC
Net Zero Solar
Newport Solar
Nexamp, Inc.
Nextracker, Inc.
NM Solar Group, Inc
North American Board of Certified Energy Practitioners (NABCEP)
Ojjo, Inc.
OMCO Solar
Open Road Renewables
Orange Mountain Energy
Origis Energy
Ozark Exteriors, LLC
Palmetto
Panasonic Eco Solutions Company North America
Pearlwind, LLC
Personal
Pfister Energy
Pine Gate Renewables, LLC
Pioneer Valley Photovoltaics Cooperative, Inc.
Pivot Energy
Powur
RENEW Wisconsin
RER Energy Group

RES (Renewable Energy Systems)
Revamp Engineering, Inc.
ReVision Energy
Rooftop Solar
rPlus Energies, LLC
Savion, LLC
Scale Microgrid Solutions, LLC
Seminole Financial Services
Seraphim Energy Goup (SEG)
Shine Development Partners
Sigora Solar
SimpleRay, LLC
SimpliPhi Power, Inc.
SmartFlower Solar LLC
Sol Systems LLC
Sol-Up USA, LLC
Solar Energy Industries Association
Solar Energy Solutions
Solar FlexRack
Solar One, LLC.
Solar Renewable Energy, LLC
Solar Source
Solar States
Solaria Corporation HQ
Solariant Capital, LLC
Solartag Inc
Solect Energy Development, LLC
SOLV Energy
Sonnedix Kingbird, Inc
Southern Current
Southern Energy Management
Standard Solar
Stem, Inc.
Stonegate Group
StraightUp Solar
Strata Solar, LLC
Sukut Construction, LLC
Sun Light and Power
Sun Path Electric
Sun Wind Solutions
Sunbreak Energy
SunEarth, Inc.
Sunergy Systems Inc.
Sungage Financial, Inc.
Sunlight Financial
Sunnova Energy Corporation
SunPower Corporation
Sunrun
Sunsense, Inc.
SunStore Energy, LLC
Sunstyle
SunVest Solar, Inc.
Talan Products
Tokyo Gas America Ltd.
TotalEnergies Renewables USA
Trina Solar US, Inc.
Trinity Solar
TRITEC Americas
U.S. Light Energy
UGE USA Inc.
UKA North America LLC
Vanguard Energy Partners, LLC
Velo Solar
Vesper Energy
Victory Capital Management
Vikram Solar Limited
Walden Renewables Development LLC
Washington Solar Energy Industries Association (WASEIA)
Western Solar Inc.
Wunder Capital
Zeep Technology LLC