

Adopt new 310 CMR 7.75 Clean Energy Standard, to read as follows:

310 CMR 7.75 CLEAN ENERGY STANDARD

(1) Purpose. The purposes of this regulation are to achieve emissions reductions by setting a clean energy standard (CES) that will increase the amount of clean energy that is used to generate electricity consumed in Massachusetts, and to implement the requirement for retail sellers of electricity to report statewide greenhouse gas emissions and to monitor and ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c.298, § 2(a)(5).

(2) Definitions. The definitions in 310 CMR 7.00 apply to 310 CMR 7.75. The following additional terms have the following meanings when they appear in 310 CMR 7.75. If a term is defined both in 310 CMR 7.00 and in 310 CMR 7.75(2), the definition in 310 CMR 7.75(2) applies for purposes of 310 CMR 7.75.

CES Alternative Compliance Credit. A credit obtained by a retail electricity supplier upon making a CES alternative compliance payment. Such credit is used to document compliance with 310 CMR 7.75(4). One unit of credit shall be equivalent to one clean generation attribute.

CES Alternative Compliance Payment (CES ACP). A payment of a certain dollar amount per MWh, resulting in the issuance of CES alternative compliance credits, which a retail electricity supplier may submit to the Department in lieu of providing clean generation attributes required under 310 CMR 7.75(4).

Biogenic Greenhouse Gas Emissions. Emissions of carbon dioxide that result from the combustion of biogenic (plant or animal) material, excluding fossil fuels.

Business Day. A business day shall mean Monday through Friday, exclusive of state and federal legal holidays.

Carbon Dioxide Equivalent. The amount of carbon dioxide by weight that would produce the same amount of global warming impact as a given weight of another greenhouse gas.

Certificates Obligation. A term defined in the NEPOOL GIS operating rules at Rule 4.1(b).

CES Expendable Trust. A trust established pursuant to 801 CMR 50.00 for the purpose of providing a separate segregated interest-bearing account for the receipt of payments made pursuant to 310 CMR 7.75(5)(c).

CES Statement of Qualification. A written document from the Department that qualifies a generation unit as a clean generation unit, or that qualifies a portion of the annual electrical energy output of a generation unit as clean generation.

Clean Generation. The electrical energy output excluding any electrical energy utilized for parasitic load of a clean generation unit, or that portion of the electrical energy output excluding any electrical energy utilized for parasitic load of a clean generation unit that qualifies under (1) the special provisions for a generation unit located in a control area adjacent to the ISO-NE control area, pursuant to 310 CMR 7.75(7)(b); or (2) any other applicable provision of 310 CMR 7.75 or 225 CMR 14.00.

Clean Generation Attribute. The generation attribute of the electrical energy output of a specific clean generation unit that derives from the unit's production of clean generation.

Clean Generation Unit. A generation unit or aggregation that has received a CES statement of qualification from the Department, or that has received an RPS statement of qualification from DOER.

Commercial Operation Date. The date that a generation unit first produces electrical energy for sale within the ISO-NE control area or within an adjacent control area. In the case of transmission capacity that is used to transmit clean energy, the date on which the transmission capacity first transmitted energy into the ISO-NE control area or an adjacent control area.

Compliance Filing. A document filed annually by a retail electricity supplier in a format determined by the Department documenting compliance with 310 CMR 7.75(4), submitted no later than the first day of July, or the first business day thereafter, of the subsequent compliance year.

Compliance Year (CY). A calendar year beginning January 1 and ending December 31, for which a retail electricity supplier must demonstrate that it has met the requirements of 310 CMR 7.75(4) and (5).

Control Area. A geographic region in which a common generation control system is used to maintain scheduled interchange of electrical energy within and without the region.

Dedicated Transmission Line. A transmission line with a commercial operation date after December 31, 2010 that is not electrically connected to any generation unit that is not a clean generation unit.

Emitting Electricity Generators. Electricity generators that are powered by any fossil or biogenic fuels.

Emitting Megawatt Hours. Megawatt hours that are generated by emitting electricity generators.

End-use Customer. A person or entity in Massachusetts that purchases electrical energy at retail from a retail electricity supplier, except that a generation unit taking station service at wholesale from ISO-NE or self-supplying from its owner's other generating stations, shall not be considered an end-use customer.

Generation Attribute. A non-price characteristic of the electrical energy output of a generation unit including, but not limited to, the unit's fuel type, emissions, vintage and eligibility for renewable or clean energy programs.

GIS Certificate. An electronic record produced by the NEPOOL GIS that identifies generation attributes of each MWh accounted for in the NEPOOL GIS.

Greenhouse Gas. Any chemical or physical substance that is emitted into the air and that the Department may reasonably anticipate will cause or contribute to climate change including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

Intermittent Generation Unit. A generation unit that utilizes resources regarding which the timing or magnitude is not predictable or controllable, as determined by the Department.

ISO-NE. ISO New England Inc., the independent system operator for New England, the regional transmission organization for most of New England, which is authorized by the Federal Energy Regulatory Commission (FERC) to exercise for the New England Control Area the functions required pursuant to the FERC's Order No. 2000 and the FERC's corresponding regulations.

ISO-NE Settlement Market System. The ISO-NE's electronic database system into which all real-time load and generation data are entered and from which such data are provided to the NEPOOL GIS.

Lifecycle Greenhouse Gas Emissions. The aggregate quantity of greenhouse gas emissions, including direct emissions and significant indirect emissions such as significant emissions from land use changes, and temporal changes in forest carbon sequestration and emissions resulting from biomass harvests, regrowth, and avoided decomposition as determined by the department, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

Massachusetts Department of Energy Resources or DOER. The Massachusetts agency established pursuant to M.G.L. c. 25A, §§ 1 through 13.

Megawatt-hour (MWh). A unit of electrical energy or work equivalent to one million watts of power operating for one hour.

NEPOOL GIS. The NEPOOL Generation Information System, which includes a generation information database and certificate system, operated by the New England Power Pool (NEPOOL), its designee or successor entity, that accounts for generation attributes of electrical energy consumed and generated within, imported into, or exported from the ISO-NE control area.

NERC Tag. A document that identifies an electrical energy interchange transaction and its associated participants, assigned in accordance with rules set forth by the North American Electric Reliability Corporation (NERC), a non-profit corporation granted by the FERC the legal authority to enforce mandatory reliability standards for the U.S. bulk power system, subject to FERC oversight.

Non emitting Electricity Generators. Electricity generators powered by hydro, nuclear, ocean, solar or wind power.

Non emitting Megawatt Hours. Megawatt hours that are generated by non emitting electricity generators.

Operator. Any person or entity that has charge or control of a generation unit subject to 310 CMR 7.75(7) – (9), including without limitation a duly authorized agent or lessee of the owner, or a duly authorized independent contractor.

Owner. Any person or entity that, alone or in conjunction with others, has legal ownership, a leasehold interest, or effective control over the real property or property interest upon which a generation unit is located, or the airspace above said real property, including without limitation a duly authorized agent of the owner. For the purposes of 310 CMR 7.75, owner does not mean a person or entity holding legal title or security interest solely for the purpose of providing financing.

Retail Electricity Product. An electrical energy offering that is distinguished by its generation attributes and that is offered for sale by a retail electricity supplier to end-use customers.

Retail Electricity Seller or Retail Seller. A competitive supplier licensed by the Department of Public Utilities or, as each is defined in M.G.L. c. 164A, § 1, an electric utility, municipal electric department or municipal light board that is connected to the regional electric grid.

RPS Alternative Compliance Credit. A credit obtained by a retail electricity supplier upon making a payment pursuant to 225 CMR 14.08(3), and used to comply with 225 CMR 14.07.

RPS Class I Renewable Generation Unit. A generation unit or aggregation that has received a statement of qualification as an RPS Class I renewable generation unit from DOER pursuant to 225 CMR 14.00.

RPS Statement of Qualification. A written document issued by DOER pursuant to 225 CMR 14.06.

Short Ton. 2000 pounds or 0.9072 metric tons.

(3) Applicability. Retail electricity sellers are required to comply with 310 CMR 7.75.

(4) Clean Energy Standard. Beginning in calendar year 2020, the total annual sales of each retail electricity product sold to Massachusetts end-use customers by a retail electricity seller shall include a minimum percentage of electrical energy sales with clean generation attributes.

(a) 2020 – 2024 Standards. Percentage requirements for electric utilities and competitive suppliers for years 2020 – 2024 are listed in table 1.

2015*	10 %
2016*	11%
2017*	12 %
2018**	13 %
2019**	14 %
2020	45 %
2021	46 %
2022	47 %
2023	48 %
2024	49 %
* Used for calculating 2025-2027 standards only	
** Standards are established for 2018 – 2019 to allow banking	

(b) 2025 – 2050 Standards for Electric Utilities and Competitive Suppliers.

Percentage requirements for 2025 – 2050 for electric utilities and competitive suppliers shall be determined by the Department 10 years advance, beginning with determination of the 2025 percentage in 2015, using the following process.

1. The Department shall determine the percentage of the electricity delivered to and consumed in Massachusetts that was generated using a fossil fuel as the energy source in the most recent year for which data is available. The percentage shall be determined using a method consistent with the method used by the Department to develop the GHG emissions inventory pursuant to M.G.L. chapter 21N, section 2.
2. The percentage determined pursuant to 310 CMR 7.75(4)(b)1. shall be divided by the number of years remaining until 2050 (e.g., 35 in 2015) and subsequently multiplied by 10.
3. The percentage determined pursuant to 310 CMR 7.75(4)(b)2. shall be added to the percentage requirement for the year in which the calculation takes place (e.g., 10% in 2015) to determine the percentage requirement for the year ten

years in the future. The result of this calculation shall be rounded to the nearest whole percent.

4. Notwithstanding 310 CMR 7.75(4)(b)3., the percentage requirement for the year ten years in the future shall be equal to or greater than the percentage requirement for the year nine years in the future (i.e., the standard shall not decrease from year to year).

(c) 2020 – 2050 Standards for Municipal Electric Departments and Municipal Light Boards. Percentage requirements for 2020 – 2050 for municipal electric departments and municipal light boards shall be calculated using the following process:

1. The number of years remaining between the year for which the standard is being established and 2050 shall be divided by 30 (e.g., 30/30 for 2020, 29/30 for 2021, 28/30 for 2022, etc.).

2. The fraction determined pursuant to 310 CMR 7.75(4)(c)1. shall be multiplied by a percentage equal to 15% plus the number of years that have elapsed since 2020 (e.g., 15% for 2020, 16% for 2021, 17% for 2022, etc.).

3. The percentage determined pursuant to 310 CMR 7.75(4)(c)2. shall be subtracted from the percentage determined pursuant to 310 CMR 7.75(4)(a) or (b)3. to determine the percentage requirement for municipal electric departments and municipal light boards for the year ten years in the future. The result of this calculation shall be rounded to the nearest whole percent.

(d) Provisions for Municipal Electric Departments and Municipal Light Boards with Interests in Existing Clean Generation Units. For the purpose of determining compliance with 310 CMR 7.75(4), municipal electric departments and municipal light boards may subtract from total annual sales any MWh associated with contractual or ownership interests that satisfy the following requirements:

1. The contractual or ownership interests are with generation units that utilize nuclear or hydroelectric energy, or energy resources listed at 225 CMR 14.05(1)(a), and do not participate in any voluntary or regulatory program that allows or requires the sale of marketable environmental or energy attributes associated with the MWh subtracted from total annual sales, and,

2. The contractual or ownership interests existed before September 30, 2014.

(e) Each year, the Department shall:

1. Post a draft percentage requirement for the year ten years in the future as calculated pursuant to either 310 CMR 7.75(4)(b), including methodologies and data sources, on its website for public comment for 30 days; and,

2. Post the final percentage requirement, including methodologies and data sources, on its website by December 15th.

(5) Compliance Procedures for Retail Electricity Sellers

(a) Standard Compliance. Each retail electricity seller shall be deemed to be in compliance with 310 CMR 7.75 if the information provided in the compliance filing submitted pursuant to 310 CMR 7.75(5) is true and accurate and demonstrates compliance with 310 CMR 7.75(4). A retail electricity seller shall demonstrate, using a form provided by the Department or DOER, that clean generation attributes used for compliance have not otherwise been, nor will be, sold, retired, claimed, used or represented as part of electrical energy output or sales, or used to satisfy

obligations in jurisdictions other than Massachusetts.

(b) Banked Compliance. A retail electricity seller may use clean generation attributes produced in one compliance year for compliance in either or both of the two subsequent compliance years, subject to the limitations in 310 CMR 7.75(5)(b) and provided that the retail electricity seller is in compliance with 310 CMR 7.75 for all previous compliance years. In addition, the retail electricity seller shall demonstrate, using a form provided by the Department or DOER, that such attributes:

1. Were in excess of the clean generation attributes needed for compliance in the compliance year in which they were generated, and that such excess attributes have not previously been used for compliance with 310 CMR 7.75;
2. Do not exceed 30% of the clean energy generation attributes needed by the retail electricity seller for compliance with 310 CMR 7.75(4) in the year they were generated, subject to 310 CMR 7.75(5)(b)4.;
3. Were produced during the compliance year in which they are claimed as excess by the generation of electrical energy sold to end-use customers in the ISO-NE control area; and
4. Have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

(c) Alternative Compliance. Any RPS alternative compliance credits claimed pursuant to 225 CMR 14.08(3)(a) and used to comply with 225 CMR 14.07 shall be counted toward compliance with 310 CMR 7.75. A retail electricity seller may discharge its obligations under 310 CMR 7.75(4), in whole or in part, for any compliance year by making a CES ACP.

1. Procedures. A retail electricity seller shall receive CES alternative compliance credits from the Department, subject to the following:
 - a. The quantity of credits, specified in MWh, that can be applied to its obligations under 310 CMR 7.75(4) shall be determined by calculating the ratio of the total of CES ACPs paid for the compliance year to the CES ACP rate for that compliance year.
 - b. The CES ACP rate shall be 0.5 times the rate calculated annually by DOER pursuant to 225 CMR 14.08(3)(a)2.
 - c. The retail electricity seller shall include with its annual compliance filing copies of any CES ACP receipt(s) for CES ACPs made to the CES Expendable Trust for the compliance year.
2. Use of Funds. CES ACP funds shall be expended for the purpose of furthering the commercial development of clean energy generators and associated transmission capacity, and to support Commonwealth programs to mitigate the impacts of climate change and programs to support adaptation to the impacts of climate change, including the administration of such programs. The Department shall consult with other agencies within the Energy and Environmental Affairs Secretariat regarding expenditure of CES ACP funds.

(6) Annual Compliance Filings for Retail Electricity Sellers

(a) Date of Annual Compliance Filing. For each compliance year, the retail electricity seller shall file an annual compliance filing with the Department no later

than the first day of July, or the first business day thereafter, of the subsequent compliance year. All retail sellers shall complete an annual compliance report for compliance years 2020 – 2050. For compliance years 2018 and 2019, annual compliance reports may be submitted for the purpose of creating banked attributes pursuant to 310 CMR 7.75(6)(b)6.

(b) Contents of Annual Compliance Filing. For each retail electricity product, the filing shall document compliance with the provisions of 310 CMR 7.75(4) and (5) using a form provided by the Department and shall include, but not be limited to, the following:

1. Total Electrical Energy Sales to End-use Customers. Documentation of the total MWh of electrical energy allocated by the retail electricity seller to end-use customers in the compliance year. Such allocation is defined as the total quantity of the seller's certificates obligation that the seller correctly allocated or should have allocated to all of the seller's Massachusetts retail subaccounts in the NEPOOL GIS, in compliance with all relevant provisions of Part 4 of the NEPOOL GIS Operating Rules, as specified in the Guideline on the Determination of Sales to End-Use Customers.
2. Electrical Energy Sales to End-use Customers by Product. Documentation of the total MWh of each retail electricity product allocated to end-use customers in the compliance year, verified by an independent third party satisfactory to the Department. Such allocation is defined as the quantity of the seller's certificates obligation that the seller correctly allocated or should have allocated to each of the seller's Massachusetts retail subaccounts at the NEPOOL GIS, in compliance with all relevant provisions of Part 4 of the NEPOOL GIS Operating Rules, as specified in the Guideline on the Determination of Sales to End-Use Customers.
3. Attributes Allocated from the Compliance Year. Documentation of the total MWh of each retail electricity product allocated to end-use customers that were derived from clean generation during the compliance year, as follows:
 - a. For electrical energy transactions included in the ISO-NE Settlement Market System, the compliance filings shall include documentation from the NEPOOL GIS administrator of the retail electricity seller's ownership of GIS certificates representing clean generation during the compliance year.
 - b. For electrical energy transactions not included in the ISO-NE Settlement Market System, but for which the retail electricity seller has secured GIS certificates from the NEPOOL GIS, the compliance filings shall include documentation from the NEPOOL GIS of the retail electricity seller's ownership of GIS Certificates representing clean generation during the compliance year.
4. Attributes Allocated from Banked Compliance. Allocation by retail electricity product of any quantity of clean generation attributes banked from one or both of the two previous years pursuant to 310 CMR 7.75(5)(b) that are used to demonstrate compliance with the clean energy standard in the current compliance year. All clean generation attributes document in compliance filings for 2018 and 2019 shall be eligible for use in complying with the 2020 standard.
5. CES Alternative Compliance Credits. Allocation by retail electricity product of any CES alternative compliance credits claimed pursuant to 310 CMR 7.75(5)(c)1. or RPS alternative compliance credits claimed pursuant to 225 CMR

14.08(3)(a), along with a copy of any alternative compliance payment receipt(s).
6. Attributes Banked for Future Compliance. Identification of any quantity of attributes from clean generation, that the retail electricity seller anticipates claiming for purposes of banked compliance in subsequent years under the banked compliance provisions of 310 CMR 7.75(5)(b).

(7) Eligibility Criteria for Clean Generation Units.

(a) Eligibility Criteria. A generation unit may qualify as a clean generation unit subject to the limitations in 310 CMR 7.75(7).

1. Fuels, Energy Resources and Technologies. The generation unit shall satisfy at least one of the following two eligibility criteria:

- a. The generation unit has been issued an RPS statement of qualification as an RPS Class I renewable generation unit pursuant to 225 CMR 14.06(3) or,
- b. The generation unit has net lifecycle GHG emissions, over a 20 year life cycle, that yield at least a 50% reduction of greenhouse gas emissions per unit of useful energy relative to the lifecycle greenhouse gas emissions from the aggregate use of the operation of a new combined cycle natural gas electric generating facility using the most efficient commercially available technology as of the date of the statement of qualification application for the portion of electricity delivered by the generation unit, and satisfies any applicable criteria listed at 225 CMR 14.05(1)(a)5.a. – c., 6.b. – g., or 7.a. – g.

2. Commercial Operation Date. For a generation unit that qualifies as a clean generation unit pursuant to 310 CMR 7.75(7)(a)1.b., the commercial operation date shall be after December 31, 2010.

3. Metering. For a generation unit that qualifies as a clean generation unit pursuant to 310 CMR 7.75(7)(a)1.b, the electrical energy output from the generation unit shall be verified by the ISO-NE or by an independent verification system or person participating in the NEPOOL GIS accounting system as an independent Third Party Meter Reader, as defined in Rule 2.5(j) of the NEPOOL GIS Operating Rules and approved by the Department.

4. Capacity Obligation. For a generation unit that qualifies as a clean generation unit pursuant to 310 CMR 7.75(7)(a)1.b , the generation unit's generating capacity is subject to the obligations in 310 CMR 7.75(7)(a)4.

- a. The amount of the generation capacity of the generation unit whose electrical energy output is claimed as clean generation shall not be committed to any control area other than the ISO-NE control area, unless such generation unit has entered into a capacity obligation in another control area before the start of the first available compliance year for the ISO-NE forward capacity market, in which case this subsection shall apply upon the expiration of that capacity obligation.
- b. The generation unit owner or operator of a generation unit that is not an intermittent generation unit shall commit to the ISO-NE Control Area the amount of the capacity of that unit claimed as clean generation by submitting by the applicable deadline a show of intent for the ISO-NE forward capacity auction that is the earliest available for the unit after the owner or operator

has submitted a CES statement of qualification application unless the owner or operator can provide to the Department documentation of its prior commitment to the ISO-NE control area of such capacity. The owner or operator of any unit that cannot demonstrate such prior commitment must also clear the forward capacity auction for which it has qualified, even if it must participate as a price taker.

c. A clean generation unit that was deemed unqualified by the ISO-NE for participation in the ISO-NE forward capacity market for technical reasons may commit capacity to another control area and may receive GIS certificates for the energy sold into the ISO-NE control area, subject to a determination by the Department.

(b) Special Provisions for a Generation Unit Located in a Control Area Adjacent to the ISO-NE Control Area. The portion of the total electrical energy output of a clean generation unit located in a control area adjacent to the ISO-NE control area that qualifies as clean generation shall meet the requirements in Rule 2.7(c) and all other relevant sections of the NEPOOL GIS Operating Rules, and the requirements in 310 CMR 7.75(7)(b).

1. The generation unit owner or operator shall provide documentation, using a form provided by the Department or DOER, of a contract or other legally enforceable obligation, that is executed between the generation unit owner or operator and an electrical energy purchaser located in the ISO-NE control area for delivery of the unit's electrical energy to the ISO-NE control area. Such documentation shall include provisions for obtaining associated transmission rights for delivery of the unit's electrical energy from the unit to the ISO-NE Control Area using transmission capacity with a commercial operation date after December 31, 2010. The generation unit owner or operator shall pay for evaluation and verification of the provisions of such documentation by an independent party that is engaged or approved by the Department.
2. The generation unit owner or operator shall provide documentation using a form provided by the Department or DOER, that:
 - a. The electrical energy delivered pursuant to the legal obligation was settled in the ISO-NE Settlement Market System;
 - b. The generation unit produced, during each hour of the applicable month, the amount of MWh claimed, as verified by the NEPOOL GIS administrator; if the originating control area employs a generation information system that is comparable to the NEPOOL GIS, information from that system may be used to support such documentation;
 - c. The electrical energy delivered under the legal obligation received a NERC tag confirming transmission from the adjacent control area to the ISO-NE control area using transmission capacity with a commercial operation date after December 31, 2010; and
 - d. The clean generation attributes have not otherwise been, nor will be, sold, retired, claimed, used or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.
3. The generation unit owner or operator must provide an attestation in a form approved by the Department that it will not itself or through any affiliate or other

contracted party, knowingly engage in the process of importing clean generation into the ISO-NE control area for the creation of clean GIS certificates, and then exporting that energy or a similar quantity of other energy out of the ISO-NE control area during the same hour.

4. The quantity of electrical energy output from a clean generation unit outside the ISO-NE control area that can qualify as clean generation at the NEPOOL GIS during each hour is limited to the lesser of the clean generation actually produced by the unit or the clean generation actually scheduled and delivered into the ISO-NE control area.

5. For the purpose of determining compliance with 310 CMR 7.75(7)(b) and all other provisions of 310 CMR 7.75, a clean generation unit that delivers clean energy into the ISO-NE control area or an adjacent control area through a dedicated transmission line shall be considered to be located in the control area to which the clean energy is delivered.

(8) Qualification Process for Clean Energy Generation Units.

(a) CES Statement of Qualification Application. For clean generation units that have not received an RPS statement of qualification, a CES statement of qualification application shall be submitted to the Department by the owner or operator of the generation unit. The applicant must use the most current forms and associated instructions provided by the Department, and must include all information, documentation, and assurances required by such forms and instructions.

(b) Review Procedures.

1. The Department will notify the applicant when the CES statement of qualification application is administratively complete or if additional information is required pursuant to 310 CMR 7.75(8)(a).

2. The Department may, in its sole discretion, provide an opportunity for public comment on any CES statement of qualification application.

(c) Issuance or Non-Issuance of a CES Statement of Qualification.

1. If the Department finds that all or a portion of the electrical energy output of a generation unit meets the requirements for eligibility as clean generation pursuant to 310 CMR 7.75(7)(a), and the generation unit is not eligible to receive an RPS statement of qualification from DOER, the Department will provide the owner or operator of such unit with a CES statement of qualification.

2. The CES statement of qualification shall include any applicable restrictions and conditions that the Department deems necessary to ensure compliance by a particular generation unit with the provisions of 310 CMR 7.75.

3. If the generation unit does not meet the requirements for eligibility as a clean generation unit, the Department shall provide written notice to the Owner or Operator, including the Department's reasons for such finding.

(d) Notification Requirements for Change in Eligibility Status. The owner or operator of a clean generation unit shall notify the Department of any changes in the technology, operation, emissions, fuel sources, energy resources, capacity commitment, or other characteristics of the generation unit that may affect the eligibility of the unit as a clean generation unit. The owner or operator shall submit

the notification to the Department no later than five days following the end of the month during which such changes were implemented. The notice shall state the date the changes were made to the clean generation unit and describe the changes in sufficient detail to enable the Department to determine if a change in eligibility is warranted.

(e) Notification Requirements for Change in Ownership, Generation Capacity, or Contact Information. The owner or operator of a clean generation unit shall notify the Department of any changes in the ownership, operating entity, generation capacity, NEPOOL GIS account, independent verification system for the unit's electrical energy output, or contact information for the generation unit. The owner or operator shall submit the notification to the Department no later than five days following the end of the month during which such changes were implemented.

(f) Time Limit for Project Implementation. Any CES statement of qualification shall expire 48 months after the issuance date of the CES statement of qualification (the expiration date) unless the commercial operation date of the generation unit is on or before the expiration date. The Department may, at its discretion, grant an extension of the expiration date of the CES statement of qualification upon petition by the owner or operator of the generation unit. If the owner or operator of such unit desires an extension, such owner or operator must submit a new CES statement of qualification application, and the decision of the Department on such new application may be made in accordance with the regulations and criteria that are applicable on the date that the Department receives that application.

(g) Suspension or Revocation of CES Statement of Qualification. The Department may suspend or revoke a CES statement of qualification if the owner or operator of a clean generation unit fails to comply with 310 CMR 7.75.

(h) Identification of Clean Generation Units. The Department shall inform the NEPOOL GIS administrator which generation units should be designated clean generation units pursuant to 310 CMR 7.75.

(9) Reporting Requirements.

(a) Certification. Any person required by 310 CMR 7.75 to submit documentation to the Department shall provide:

1. The person's name, title and business address;
2. The person's authority to certify and submit the documentation to the Department; and
3. The following certification: "I hereby certify, under the pains and penalties of perjury, that I have personally examined and am familiar with the information submitted herein and, based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties, both civil and criminal, for submitting false information, including possible fines and imprisonment."

(b) Annual Clean Energy Resource Report. The Department shall produce and make available to the public an annual report that summarizes information submitted to the Department by retail electric sellers in the annual compliance filings submitted to the Department pursuant to 310 CMR 7.75(6)(b). Such report

shall include non-confidential data that provides the following:

1. The extent to which the retail electric sellers complied with the minimum clean energy standard, both separately and combined;
2. The extent to which the retail electric sellers used standard compliance, banked compliance, and alternative compliance, in meeting the minimum standards; and
3. The names, locations, and types of clean generation from which the retail electric sellers, as an aggregate, obtained the clean energy attributes used in meeting the minimum standards.

(c) Greenhouse Gas Emissions Reporting

1. Each retail seller of electricity shall report annually to the Department its megawatt hours sold and associated greenhouse gas emissions. The first required reporting year for retail sellers which are competitive sellers is the first year after 2019 in which they sell electricity in Massachusetts. Biogenic and non biogenic greenhouse gas emissions shall be reported separately. This report shall be on a form provided by the Department and shall include a spreadsheet showing the calculations required under 310 CMR 7.75(9)(c)3.

2. Deadlines.

a. Beginning with 2020 calendar year generation, retail sellers shall report the MWh required in 310 CMR 7.75(9)(c)4.b. on a spreadsheet form provided by the Department no later than the first day of July after the calendar year in which the megawatt hours were generated.

b. Beginning with 2020 calendar year emissions, the annual GHG emissions report shall be submitted no later than the fifteenth day of the second September following each calendar year. The report shall be submitted using the final annual emission factors provided by the Department for the purpose of calculating greenhouse gas emissions pursuant to 310 CMR 7.75(9)(c)3.

c. In order to finalize the annual biogenic and non biogenic emission factors, the Department shall:

i. post draft annual emission factors, including methodologies and data sources, on its website for public comment for 30 days and notify retail sellers of the posting and of the deadline for submittal of public comment; and,

ii. post final annual emission factors, including methodologies and data sources, on its website.

3. All retail sellers shall use the following formula to calculate greenhouse gas emissions:

$GHG = (EF * MWh / 2000 \text{ pounds per short ton}) + \text{emissions reported in 310 CMR 7.75(9)(c)4.c.}$

Where:

GHG = Short tons of greenhouse gases (in carbon dioxide equivalents) associated with electricity sold in MA in a particular calendar year.

EF = Emission factors supplied by the Department each year for biogenic and non biogenic greenhouse gas emissions (pounds carbon dioxide equivalents per megawatt hour).

MWh = Annual electricity consumed by customers in a particular calendar year,

increased to account for the portion of electricity lost during transmission and distribution (line losses), as reported pursuant to 310 CMR 7.75(6)(b)1.

4. Source of Megawatt Hour and Emissions Data.

a. In calculating biogenic and non biogenic greenhouse gas emissions, retail sellers shall report the same number of megawatt hours used to calculate any CES certificates obligation under 310 CMR 7.75, inclusive of line losses.

b. Retail sellers shall report, by fuel, the number of emitting and non emitting megawatt hours of electricity generated by emitting and non emitting electricity generators represented by GIS certificates retired in a retail seller's New England Power Pool Generation Information System Massachusetts Retail Subaccount, as defined in the New England Power Pool Generation Information System Operating Rules. The sum of these megawatt hours shall be subtracted from the megawatt hours reported in 310 CMR 7.75(9)(c)4.a.

c. Carbon dioxide, methane and nitrous oxide emissions from any emitting electricity generator shall be reported as follows:

$$GHG_i = (EF_i * MWh_i / 2000 \text{ pounds per short ton})$$

Where:

GHG_i = Short tons of greenhouse gases for each emitting fuel type i (in carbon dioxide equivalents) associated with electricity sold in MA in a particular calendar year.

EF_i = Emission factors supplied by the Department each year for biogenic and non biogenic greenhouse gas emissions for each emitting fuel type i (pounds carbon dioxide equivalents per megawatt hour).

MWh_i = as reported for fuel type i pursuant to 310 CMR 7.75(9)(c)4.b.

(10) Not later than December 31, 2016, the Department shall complete a review, including an opportunity for public comment, of options for including generators that meet all requirements of 310 CMR 7.75, except for the commercial operation date requirement in 310 CMR 7.75 (7)(a)2., in the clean energy standard.

(11) Inspection and Record Retention

(a) Document Inspection. The Department may audit the accuracy of all information submitted pursuant to 310 CMR 7.75. The Department may request and obtain from any owner, operator or authorized agent of a clean generation unit, and from any retail electricity supplier, information that the Department determines necessary to monitor compliance with and enforcement of 310 CMR 7.75.

(b) Audit and Site Inspection. Upon reasonable notice to a retail electricity supplier or to a clean generation unit owner, operator or authorized agent, the Department may conduct audits, which may include inspection and copying of records and/or site visits to a clean energy generation unit, or a retail electricity supplier's facilities, including, but not limited to, all files and documents that the Department determines are related to compliance with 310 CMR 7.75.

(c) Record Retention. All documentation used to comply with any provision of 310 CMR 7.75 shall be retained for five years and provided to the Department electronically or in hard copy as requested by the Department.

(12) Enforcement. The requirements of 310 CMR 7.75 will be enforced in accordance with applicable federal and Massachusetts law, including but not limited to, the issuance of an administrative order or civil administrative penalties pursuant to M.G.L. c. 21A, §16, M.G.L. c. 111 §§ 142A through 142M, M.G.L. c. 111, §2C, and M.G.L. c. 21N § 7(d).

Amend 310 CMR 7.71(9)(b)2. by adding the underlined text below

2. Beginning with 2010 calendar year emissions, the annual report shall be submitted by the first day of the next month that is a full calendar month after the Department posts on its website the final annual emission factors listed in 310 CMR 7.71(9)(c). The 2019 calendar year emissions shall be the last annual report submitted under this regulation. The 2019 calendar year megawatt hour data, submitted by July 1, 2020, under the optional reporting sections 7.71(9)(d)3. through (9)(d)6., shall be the last optional reporting of megawatt hour data under this regulation.