

225 CMR 14.00 RENEWABLE ENERGY PORTFOLIO STANDARD

Section

- 14.01: Authority
- 14.02: Definitions
- 14.03: Administration
- 14.04: Applicability
- 14.05: Eligibility Criteria for New Renewable Generation Units
- 14.06: Qualification Process for New Renewable Generation Units
- 14.07: Renewable Energy Portfolio Standard
- 14.08: Compliance Procedures for Retail Electricity Suppliers
- 14.09: Annual Compliance Filings for Retail Electricity Suppliers
- 14.10: Reporting Requirements
- 14.11: Inspection
- 14.12: Non-compliance
- 14.13: Severability

14.01: Authority

225 CMR 14.00 is promulgated pursuant to M.G.L. c. 25A, § 11F.

14.02: Definitions

Alternative Compliance Payment. A payment of a certain dollar amount per megawatt hour, resulting in the issuance of Alternative Compliance Credits, which a Retail Electricity Supplier may submit to the Division in *lieu* of providing New Renewable Generation Attributes required under 225 CMR 14.07.

Alternative Compliance Credit. A credit obtained by a Retail Electricity Supplier upon making an Alternative Compliance Payment. Such credit is used to document compliance with 225 CMR 14.07. One unit of credit shall be equivalent to the New Renewable Generation Attribute associated with one megawatt-hour (MWh) of electrical energy output from a New Renewable Generation Unit.

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

Certificates Obligation. A term defined in the NEPOOL GIS Operating Rules at Rule 4.3, or any successor rule.

Commercial Operation Date. The date that a Generation Unit first produces electrical energy for sale; in the case of a Generation Unit that has been moved, the date that such Generation Unit first produced electrical energy for sale at its original location; in the case of a Generation Unit that is connected to the End-use Customer's side of the electric meter or produces Off-grid Generation, the date that such Generation Unit first produces electrical energy.

Compliance Filing. A document filed annually by a Retail Electricity Supplier with the Division documenting compliance with 225 CMR 14.00, consistent with the format set forth in the Guidelines and submitted no later than the first day of July, or the first Business Day thereafter, of the subsequent Compliance Year.

Compliance Year. A calendar year beginning January 1st and ending December 31st, for which a Retail Electricity Supplier must demonstrate that it has met the requirements of 225 CMR 14.07 and 14.08.

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.

Division. The Massachusetts Division of Energy Resources (DOER), established by M.G.L. c. 25A.

14.02: continued

Eligible Biomass Fuel. Fuel sources including brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips, shavings, slash and other clean wood that are not mixed with other solid wastes; agricultural waste, food material and vegetative material as those terms are defined, or may subsequently be defined, by the Department of Environmental Protection at 310 CMR 16.02; energy crops; biogas; organic refuse-derived fuel that is collected and managed separately from municipal solid waste; or neat biodiesel and other neat liquid fuels that are derived from such fuel sources.

Eligible New Renewable Fuel. An Eligible Biomass Fuel, landfill or anaerobic digester methane gas, hydrogen derived from such fuels or hydrogen derived using the electrical output of a Renewable Generation Unit, but not hydrogen derived from ineligible fuels.

End-use Customer. A person or entity in Massachusetts that purchases electrical energy at retail from a Retail Electricity Supplier.

External Unit Contract. An External Transaction Unit Contract for Energy 1 or Energy 2 as defined in the New England Power Pool Market Rules and Procedures Section 12.2.1(a), or any equivalent term or successor rule.

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 RPS eligibility.

Generation Unit. A facility that converts a fuel or an energy resource into electrical energy.

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

Guidelines. A set of procedures, including forms, as developed by the Division to assist in compliance with the requirements of 225 CMR 14.00.

Historical Generation Rate. The average annual electrical production from a Generation Unit that meets the requirements of 225 CMR 14.05(1)(a), stated in megawatt-hours (MWhs), for the three calendar years 1995 through 1997, or for the first 36 months after the Commercial Operation Date if that date is after December 31, 1994.

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, the FERC's corresponding regulations, and any successor FERC orders and 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.

Naturally Flowing Water and Hydroelectric Unit. A Generation Unit that uses flowing water as the primary energy resource, with or without a dam structure or other means of regulating water flow, and that is not located at a facility that uses mechanical or electrical energy to pump water into a storage facility (*i.e.*, a so-called "pumped-storage facility").

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 within, imported into, or exported from the ISO-NE Control Area.

New Renewable Generation. The electrical energy output of a New Renewable Generation Unit, or that portion of the electrical energy output of a Generation Unit that qualifies under a Vintage Waiver, pursuant to 225 CMR 14.05(2), or a Co-firing with Ineligible Fuels Waiver, pursuant to 225 CMR 14.05(3).

14.02: continued

New Renewable Generation Attribute (Attribute). The Generation Attribute of the electrical energy output of a specific Generation Unit that derives from the Unit's production of New Renewable Generation.

New Renewable Generation Unit. A Generation Unit that has received a Statement of Qualification from the Division.

North American Electric Reliability Council Tag. An identification of an electrical energy interchange transaction assigned in accordance with rules set forth by the North American Electric Reliability Council.

Off-grid Generation. The electrical energy produced by a Generation Unit that is not connected to a utility transmission or distribution system.

Operator. Any person or entity who has charge or control of a Generation Unit subject to 225 CMR 14.00, including without limitation an agent or lessee of the Owner, or an independent contractor.

Owner. Any person or entity who, 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. For the purposes of 225 CMR 14.02: Owner does not mean a person or entity holding legal title or security interest solely for the purpose of providing financing.

Renewable Generation. The electrical energy output of a Renewable Generation Unit.

Renewable Generation Attribute. The Generation Attribute of the electrical energy output of a specific Generation Unit that derives from the Unit's production of Renewable Generation.

Renewable Generation Unit. A Generation Unit that uses any of the fuels, energy resources or technologies set forth in 225 CMR 14.05(1)(a), Naturally Flowing Water and Hydroelectric, or waste-to-energy that is a component of conventional municipal solid waste plant technology in commercial use.

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 Supplier. A person or entity that sells electrical energy to End-use Customers in Massachusetts, including but not limited to electric utility distribution companies supplying basic service or any successor service to End-use Customers. A Municipal Lighting Plant shall be considered a Retail Electricity Supplier; however, it shall be exempt from the obligations of a Retail Electricity Supplier under 225 CMR 14.00 so long as and insofar as it is exempt from the requirements to allow competitive choice of generation supply pursuant to M.G.L. c. 164, § 47A.

Small Generation Unit. A Generation Unit whose metered electrical energy output data are not provided to the New England Power Pool under the ISO-NE Settlement Market System or any successor system.

Statement of Qualification. A written document from the Division qualifying a Generation Unit as a New Renewable Generation Unit.

Valid Air Permit. Within the United States, a current and effective authorization, license, certificate, or like approval to construct and/or operate a source of air pollution, issued or required by the regulatory agency designated in the applicable State Implementation Plan to issue permits under the Clean Air Act, 42 U.S.C. §§ 7401, *et seq.* In jurisdictions outside of the United States, it shall be a document demonstrating an equivalent authorization.

Vintage Generation Unit. A Generation Unit that meets the requirements of 225 CMR 14.05(1) and that has a Commercial Operation Date of December 31, 1997, or earlier.

14.02: continued

Vintage Generation. The electrical energy output of a Vintage Generation Unit during the calendar years 1995 through 1997.

14.03: Administration

225 CMR 14.00 shall be administered by the Division.

14.04: Applicability

225 CMR 14.00 applies to Retail Electricity Suppliers and to the Owners or Operators of New Renewable Generation Units.

14.05: Eligibility Criteria for New Renewable Generation Units

(1) Eligibility Criteria. A Generation Unit may qualify as a New Renewable Generation Unit subject to the limitations in 225 CMR 14.05.

(a) Fuels, Energy Resources and Technologies. The Generation Unit shall use one or more of the fuels, energy resources and/or technologies listed in 225 CMR 14.05(1)(a)1. through 6.

1. Solar photovoltaic or solar thermal electric energy.
2. Wind energy.
3. Ocean thermal, wave or tidal energy.
4. Fuel cells using an Eligible New Renewable Fuel.
5. Landfill methane gas and anaerobic digester gas, provided that such gas is collected and conveyed directly to the Generation Unit without use of facilities used as common carriers of natural gas.
6. Low-emission, advanced biomass power conversion technologies using an Eligible Biomass Fuel. A Generation Unit may qualify as a New Renewable Generation Unit, provided it uses an Eligible Biomass Fuel, subject to the limitations in 225 CMR 14.05.
 - a. The Division shall set forth in Guidelines low-emission eligibility criteria which will become effective on their date of issuance. Any emission eligibility criteria in subsequently revised Guidelines shall become effective 24 months from their date of issuance.
 - b. A Generation Unit with a Commercial Operation Date after December 31, 1997, that is required to obtain an air permit in its jurisdiction, must possess a Valid Air Permit and must demonstrate to the satisfaction of the Division that the emission rates of the Unit do not exceed limits set forth in the Guidelines that are applicable for the date on which the Division receives the Unit's Statement of Qualification application.
 - c. A Generation Unit with a Vintage Waiver that is required to obtain an air permit in its jurisdiction must possess a Valid Air Permit and must demonstrate to the satisfaction of the Division that the emission rates of the Unit do not exceed limits set forth in the Guidelines that are applicable for the date on which the Division receives the Unit's Statement of Qualification application.
 - d. A Generation Unit that is not required to obtain an air permit in its jurisdiction must demonstrate to the satisfaction of the Division that its emissions are consistent with criteria set forth in the Guidelines that are applicable for the date on which the Division receives the Unit's Statement of Qualification application.
 - e. In the case of a Generation Unit for whose size, type, or fuel the Guidelines do not provide applicable emission limits, the Division will determine appropriate limits in consultation with the Massachusetts Department of Environmental Protection.

(b) Commercial Operation Date. The Commercial Operation Date shall be after December 31, 1997, unless the Generation Unit receives a Vintage Waiver pursuant to 225 CMR 14.05 (2).

(c) Metering. The electrical energy output from a Generation Unit shall be verifiable by ISO-NE unless the Generation Unit qualifies as a New Renewable Generation Unit pursuant to the Special Provisions for a Small Generation Unit set forth in 225 CMR 14.05(4).

14.05: continued

(d) Location. The Generation Unit location is subject to the limitations in 225 CMR 14.05(1)(d).

1. Off-grid Generation. If the Generation Unit produces Off-grid Generation, such Unit must be located in Massachusetts.
2. Behind the Meter Generation. If the Generation Unit is wired to the electrical system on the End-use Customer's side of a retail electric meter, it must be located in Massachusetts.
3. Vintage Generation. If the Generation Unit is located on or in a parcel of land, landfill or structure that was the site of Vintage Generation between the years 1995 through 1997, such Unit must receive a Vintage Waiver pursuant to 225 CMR 14.05(2).

(2) Vintage Waiver. A Vintage Generation Unit or a Generation Unit located at the site of Vintage Generation may qualify as a New Renewable Generation Unit subject to the limitations in 225 CMR 14.05(2).

(a) Vintage Generation Units. All or a portion of the electrical energy output of a Vintage Generation Unit may qualify as New Renewable Generation if the Unit meets the requirements of 225 CMR 14.05, except 225 CMR 14.05(1)(b). The portion of the electrical energy output of such Unit that qualifies as New Renewable Generation in any Compliance Year is that portion greater than the Unit's Historical Generation Rate.

(b) Generation Units Located at the Site of Vintage Generation. All or a portion of the electrical energy output of a Generation Unit subject to 225 CMR 14.05(1)(d)3. may qualify as New Renewable Generation provided that it meets the requirements of 225 CMR 14.05. The portion of the electrical energy output of such Unit that qualifies as New Renewable Generation in any Compliance Year is that portion greater than the aggregate Historical Generation Rate of Vintage Generation Unit(s) that were located on or in such parcel of land, landfill or structure at any time during calendar years 1995 through 1997.

(3) Co-firing With Ineligible Fuels Waiver. A Generation Unit that uses an ineligible fuel in conjunction with an Eligible New Renewable Fuel may qualify as an RPS Qualified Generation Unit provided the Generation Unit meets the eligibility requirements of 225 CMR 14.05, subject to the limitations in 225 CMR 14.05(3).

(a) The portion of the total electrical energy output that qualifies as New Renewable Generation in a given time period shall be equal to the ratio of the net heat content of the Eligible New Renewable Fuel consumed to the net heat content of all fuel consumed in that time period.

(b) If using an Eligible Biomass Fuel, the entire Generation Unit must meet the requirements of an advanced biomass power conversion technology as set forth in 225 CMR 14.05(1)(a)6.

(c) If using an Eligible Biomass Fuel, the Generation Unit must demonstrate to the satisfaction of the Division that the emission rates for the entire Generation Unit are consistent with rates prescribed by the Massachusetts Department of Environmental Protection (DEP) for comparably fueled Generation Units. The Division may require the Generation Unit Owner or Operator to retain at its own expense a third-party consultant deemed satisfactory to the Division, to provide DOER and DEP with assistance in this determination.

(d) The provisions of 225 CMR 14.05(3) shall not apply to the incidental use of ineligible fuels for the purpose of cold starting a Generation Unit that otherwise exclusively uses an Eligible New Renewable Fuel.

(4) Special Provisions for a Small Generation Unit. A Generation Unit whose metered data is not provided to the ISO-NE Settlement Market System may qualify as a New Renewable Generation Unit provided the Generation Unit meets the eligibility requirements of 225 CMR 14.05, except 225 CMR 14.05(1)(c), subject to the limitations in 225 CMR 14.05(4).

(a) The Generation Unit must be able to verify its electrical energy output in a manner satisfactory to the Division.

(b) The Generation Unit Owner or Operator must provide assurances satisfactory to the Division that the New Renewable Generation Attributes 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.

14.05: continued

(5) Special Provisions for a Generation Unit Located Outside of the ISO-NE Control Area. A Generation Unit located outside of the ISO-NE Control Area may qualify as a New Renewable Generation Unit provided the Generation Unit meets the eligibility requirements of 225 CMR 14.05. The portion of the total electrical energy output that qualifies as New Renewable Generation in a given time period shall meet requirements that include, but are not limited to, the following:

- (a) An External Unit Contract shall be 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. The External Unit Contract shall include associated transmission rights for delivery of the Unit's electrical energy over the ties from an adjacent control area to the ISO-NE Control Area; and
- (b) The Generation Unit Owner or Operator shall provide documentation, satisfactory to the Division, that:
 1. the electrical energy delivered pursuant to the External Unit Contract was settled in the ISO-NE Settlement Market System;
 2. the Generation Unit produced, during each hour of the applicable month, the amount of MWhs claimed, as verified by the NEPOOL GIS administrator;
 3. the electrical energy delivered under the External Unit Contract received a North American Electric Reliability Council Tag confirming transmission from the originating Control Area to the ISO-NE Control Area; and
 4. the New Renewable Generation Attributes 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.

14.06: Qualification Process for New Renewable Generation Units

(1) Statement of Qualification. The Owner or Operator of a Generation Unit that seeks designation of the Generation Unit as a New Renewable Generation Unit must submit an application on form(s) provided by the Division. If the Division finds that the Generation Unit meets the requirements for eligibility as a New Renewable Generation Unit pursuant to 225 CMR 14.05, the Division will provide the Owner or Operator of such Unit with a Statement of Qualification.

- (a) If the Generation Unit qualifies as a New Renewable Generation Unit pursuant to the Vintage Waiver, Co-firing with Ineligible Fuels Waiver, the Special Provisions for a Small Generation Unit, or the Special Provisions for a Generation Unit Located Outside the ISO-NE Control Area, the Statement of Qualification shall so indicate and shall include applicable restrictions.
- (b) If the Unit does not meet the requirements for eligibility as a New Renewable Generation Unit, the Division shall provide written notice to the Owner or Operator that the Generation Unit does not qualify as a New Renewable Generation Unit, including a statement of the reasons it does not qualify.

(2) Review Procedures.

- (a) The Division will notify the applicant when the application is administratively complete or if additional information is required pursuant to 225 CMR 14.06(1).
- (b) The Division shall provide an opportunity for public comment on such application for a Statement of Qualification if the Generation Unit would:
 1. use an Eligible Biomass Fuel and is not required to have a Valid Air Permit; or
 2. co-fire an Eligible New Renewable Fuel in a Generation Unit in conjunction with ineligible fuels; or
 3. use an Eligible Biomass Fuel in conjunction with a Vintage Waiver.
- (c) The Division may provide an opportunity for public comment on any other application for a Statement of Qualification.

14.06: continued

(3) Notification Requirements for Change in Eligibility Status. The Owner or Operator of a New Renewable Generation Unit shall notify the Division of any changes in the technology, operation, emissions, fuel sources, energy resources, or other characteristics of the Generation Unit that would affect the eligibility of the Unit as a New Renewable Generation Unit. The Owner or Operator shall submit the notification to the Division 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 New Renewable Generation Unit and describe the changes in sufficient detail to enable the Division to determine if a change in eligibility is warranted.

(4) Suspension or Revocation of Statement of Qualification. The Division may suspend or revoke a Statement of Qualification if the Owner or Operator of a New Renewable Generation Unit fails to comply with 225 CMR 14.00.

14.07: Renewable Energy Portfolio Standard

(1) Minimum Standard. The total annual sales of each Retail Electricity Product sold to Massachusetts End-use Customers by a Retail Electricity Supplier shall include a minimum percentage of electrical energy sales with New Renewable Generation Attributes, as follows:

MASSACHUSETTS RENEWABLE ENERGY PORTFOLIO STANDARD

MINIMUM PERCENTAGES OF ANNUAL ELECTRICAL ENERGY SALES WITH NEW RENEWABLE GENERATION ATTRIBUTES

Compliance Year	Cumulative Minimum Percentage
2003	1.0
2004	1.5
2005	2.0
2006	2.5
2007	3.0
2008	3.5
2009	4.0

(2) Post-2009 Standards. After 2009, the Minimum Standard shall increase by 1% per Compliance Year until the Division suspends the annual increase. At no time shall the Minimum Standard decrease below the percentage in effect at the time a suspension is implemented. Following a suspension, the Division, at its discretion, may reinstitute annual 1% increases. No later than December 31, 2007, the Division shall establish the annual 1% increase, if any, in the Minimum Standard for each Compliance Year from 2010 through 2014.

14.08: Compliance Procedures for Retail Electricity Suppliers

(1) Standard Compliance. Each Retail Electricity Supplier shall be deemed to be in compliance with 225 CMR 14.00 if the information provided in the Compliance Filing submitted pursuant to 225 CMR 14.09 is true and accurate and demonstrates compliance with 225 CMR 14.07. A Retail Electricity Supplier shall demonstrate to the satisfaction of the Division that New Renewable 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.

(2) Banked Compliance. A Retail Electricity Supplier may use New Renewable Generation Attributes produced in one Compliance Year for compliance in either or both of the two subsequent Compliance Years, subject to the limitations in 225 CMR 14.08(2) and provided that the Retail Electricity Supplier is in compliance with 225 CMR 14.00 for all previous Compliance Years. In addition, the Retail Electricity Supplier shall demonstrate to the satisfaction of the Division that such Attributes:

- (a) were in excess of the New Renewable Generation Attributes needed for compliance in the Compliance Year in which they were generated, and that such excess Attributes have not

225 CMR: DIVISION OF ENERGY RESOURCES

previously been used for compliance with 225 CMR 14.00;

14.08: continued

- (b) do not exceed 30% of the New Renewable Generation Attributes needed by the Retail Electricity Supplier for compliance in the year they were generated;
- (c) were produced by the generation of electrical energy sold to End-use Customers in the ISO-NE Control Area during the Compliance Year in which they were generated or were generated by Behind the Meter or Off-grid Generation Units in Massachusetts; and
- (d) 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.

(3) Alternative Compliance. A Retail Electricity Supplier may discharge its obligations under 225 CMR 14.07 (in whole or in part) for any Compliance Year by making an Alternative Compliance Payment (ACP) to the Massachusetts Technology Park Corporation, established by M.G.L. c. 40J.

(a) Procedures. A Retail Electricity Supplier shall receive Alternative Compliance Credits from the Division, subject to the following:

1. The quantity of Credits, specified in MWhs, that can be applied to its obligations under 225 CMR 14.07 shall be determined by calculating the ratio of the total of ACPs paid for the Compliance Year to the ACP Rate for that Compliance Year.
2. The ACP Rate shall be \$50 per MWh for Compliance Year 2003. For each subsequent Compliance Year, the Division shall publish the ACP Rate by January 31st of the Compliance Year. The ACP Rate shall be equal to the previous year's ACP Rate adjusted up or down according to the previous year's Consumer Price Index.
3. The Retail Electricity Supplier shall include with its Annual Compliance Filing copies of any ACP receipt(s) for ACPs made to the Massachusetts Technology Park Corporation during the Compliance Year.

(b) Use of Funds. The Division shall oversee the use of ACP funds by the Massachusetts Technology Park Corporation so as to maximize the commercial development of New Renewable Generation Units.

14.09: Annual Compliance Filings for Retail Electricity Suppliers

(1) Date of Annual Compliance Filing. For each Compliance Year, the Retail Electricity Supplier annually shall file an annual Compliance Filing with the Division no later than the first day of July, or the first Business Day thereafter, of the subsequent Compliance Year.

(2) Contents of Annual Compliance Filing. For each Retail Electricity Product, the Filing shall document compliance with the provisions of 225 CMR 14.07 and 14.08 to the satisfaction of the Division and shall include, but not be limited to, the following:

(a) Total Electrical Energy Sales to End-use Customers. Documentation of the total MWhs of electrical energy allocated by the Retail Electricity Supplier to End-use Customers in the Compliance Year. Such allocation is defined in 225 CMR 14.09(2)(a) as the total quantity of the Supplier's Certificates Obligation that the Supplier correctly allocated or should have allocated to all of the Supplier's Massachusetts retail subaccounts in the NEPOOL GIS, in compliance with all relevant provisions of Part 4 of the NEPOOL GIS Operating Rules, or any successor rules.

(b) Electrical Energy Sales to End-use Customers by Product. Documentation of the total MWhs of each Retail Electricity Product allocated to End-use Customers in the Compliance Year, verified by an independent third party satisfactory to the Division, consistent with the Guidelines. Such allocation is defined in 225 CMR 14.09(2)(b) as the quantity of the Supplier's Certificates Obligation that the Supplier correctly allocated or should have allocated to each of the Supplier's Massachusetts retail subaccounts at the NEPOOL GIS, in compliance with all relevant provisions of Part 4 of the NEPOOL GIS Operating Rules, or any successor rules. The Division shall keep product information confidential to the extent permitted by law.

(c) Attributes Allocated from the Compliance Year. Documentation of the total MWhs of each Retail Electricity Product allocated to End-use Customers that was derived from New Renewable Generation in the Compliance Year, as follows:

1. 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 Supplier's ownership of GIS Certificates representing New Renewable Generation produced by New Renewable Generation Units during the Compliance Year.

14.09: continued

2. For electrical energy transactions not included in the ISO-NE Settlement Market System, but for which the Retail Electricity Supplier has secured GIS Certificates from the NEPOOL GIS administrator, the Compliance Filings shall include documentation from the NEPOOL GIS administrator of the Retail Electricity Supplier's ownership of GIS Certificates representing New Renewable Generation produced by New Renewable Generation Units during the Compliance Year.
3. For electrical energy transactions not included in the ISO-NE Settlement Market System, and for which the Retail Electricity Supplier has not secured GIS Certificates from the NEPOOL GIS administrator, the Compliance Filing shall include documentation verified by an independent third party satisfactory to the Division, consistent with the Guidelines, including but not limited to the following:
 - a. the identification of each New Renewable Generation Unit from which New Renewable Generation Attributes were claimed by the Retail Electricity Supplier for its compliance in the Compliance Year;
 - b. the quantity of New Renewable Generation produced by each such Unit for each applicable month of the Compliance Year; and
 - c. assurances satisfactory to the Division that the New Renewable 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.
- (d) Attributes Allocated from Banked Compliance. Allocation by Retail Electricity Product of any Attributes banked from one or both of the two previous years pursuant to 225 CMR 14.08(2) that are used to demonstrate compliance in the current Compliance Year;
- (e) Alternative Compliance Credits. Allocation by Retail Electricity Product of any Alternative Compliance Credits claimed pursuant to 225 CMR 14.08(3), along with a copy of any Alternative Compliance Payment receipt(s);
- (f) Attributes Banked for Future Compliance. Identification of any New Renewable Generation Attributes that the Retail Electricity Supplier anticipates claiming for purposes of Banked Compliance in subsequent years under the Banked Compliance provisions of 225 CMR 14.08(2); and
- (g) Renewable Generation Attributes. Documentation from the NEPOOL GIS administrator of the total electrical energy sales to End-use Customers in the Compliance Year associated with Renewable Generation Attributes.

14.10: Reporting Requirements

- (1) Certification. Any person required by 225 CMR 14.00 to submit documentation to the Division shall provide:
 - (a) name, title and business address;
 - (b) the person's authority to certify and submit the documentation to the Division; and
 - (c) 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."
- (2) Annual Renewable Energy Resource Report. The Division will produce an annual report that summarizes information submitted to the Division by Retail Electric Suppliers in the Annual Compliance Filing submitted to the Division pursuant to 225 CMR 14.09(2)(a) and (g).
- (3) Identification of Renewable Generation Units.
 - (a) The Division shall inform the NEPOOL GIS administrator which Generation Units should be designated as Renewable Generation Units pursuant to 225 CMR 14.00.
 - (b) An Owner or Operator of a Generation Unit that does not participate in the NEPOOL GIS may petition the Division to have the Unit designated as a Renewable Generation Unit.

14.11: Inspection

(1) Document Inspection. The Division may audit the accuracy of all information submitted pursuant to 225 CMR 14.00. The Division may request and obtain from any Owner or Operator of a Renewable Generation Unit and any Retail Electricity Supplier information that the Division determines necessary to monitor compliance with and enforcement of 225 CMR 14.00.

(2) Audit and Site Inspection. Upon reasonable notice to a Retail Electricity Supplier or New Renewable Generation Unit Owner or Operator, the Division may conduct audits, which may include inspection and copying of records and/or site visits to a New Renewable Generation Unit or a Retail Electricity Supplier's facilities, including, but not limited to, all files and documents that the Division determines are related to compliance with 225 CMR 14.00.

14.12: Non-compliance

Any Retail Electricity Supplier or Owner or Operator of a New Renewable Generation Unit that fails to comply with the requirements of 225 CMR 14.00 shall be subject to the following provisions:

(1) Notice of Non-compliance. A failure to comply with the requirements of 225 CMR 14.00 shall be determined by the Division. A written Notice of Non-compliance shall be prepared and delivered by the Division to any Retail Electricity Supplier or Owner or Operator of a New Renewable Generation Unit that fails to comply with the requirements of 225 CMR 14.00. The Notice of Non-compliance shall describe the Requirement(s) with which the Retail Electricity Supplier, Owner, or Operator failed to comply and the time period of such non-compliance.

(2) Publication of Notice of Non-compliance. A Notice of Non-compliance may be published on the Division web-site and in any other media deemed appropriate by the Division. Such publication may remain posted until the Retail Electricity Supplier or Owner or Operator returns to compliance as determined by the Division.

(3) Planning Requirement. A Retail Electricity Supplier that fails to meet the requirements of 225 CMR 14.07 during a Compliance Year shall submit a plan for achieving compliance for the subsequent three years. The plan shall be filed with the Division no later than the first day of September of the Compliance Year subsequent to the Compliance Year for which the Retail Electricity Supplier was out of compliance.

(4) Suspension or Revocation of License. The Division shall refer its findings of non-compliance to the Department of Public Utilities. A Retail Electricity Supplier that fails to comply with 225 CMR 14.00 may be subject to the Department of Public Utilities Licensure Action under 220 CMR 11.07(4)(c)1.

14.13: Severability

If any provision of 225 CMR 14.00 is declared invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

REGULATORY AUTHORITY

225 CMR 14.00: M.G.L. c. 25A, § 11F.