

SENATE NO. 1976

AN ACT TO PROMOTE RENEWABLE ELECTRICITY GENERATION

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith
2 to promote environmentally responsible enhancements to, and increase the electricity output
3 from, existing hydropower facilities, therefore it is hereby declared to be an emergency law,
4 necessary for the immediate preservation of the Commonwealth's energy needs and
5 convenience.

6 SECTION 1. Section 11 F of Chapter 25A of the General Laws, as appearing in the 2004
7 Official Edition is hereby amended by striking clause (vii) in its entirety and inserting in place
8 thereof the following new clause:- "(vii) incremental energy resulting from increased capacity
9 and/or efficiency at hydroelectric facilities licensed by FERC after 1986, or at hydroelectric
10 facilities that receive FERC approval to construct improvements necessary to provide such
11 incremental energy, so long as such increased capacity and/or efficiency does not involve
12 pumped storage of water, is achieved without involving any new impoundment or diversion of
13 water, and meets the requirements for classification as "low impact" hydropower as certified by
14 the Low Impact Hydropower Institute or as certified by the division in accordance with
15 comparable environmental certification standards; provided that only such improvements to a
16 hydroelectric facility made after January 1, 1998, and only up to five (5) megawatts per facility
17 of incremental new energy attributable to such improvements, shall be considered a new
18 renewable energy generating source.

19 SECTION 2. Section 11F of Chapter 25A of the General Laws, as appearing in the 2004
20 Official Edition is hereby amended in line 33 by striking the words “clauses (vi) and (vii)
21 herein.” and inserting in place thereof the following:- “clause (vi).”

22 SECTION 3. Said Section 11F of Chapter 25A, as so appearing, is hereby further amended by
23 inserting the following new section:- (d) Commencing in January 2009 and continuing each
24 year thereafter, the Division shall calculate and provide public notice of the total kilowatt-hour
25 sales of generation from eligible incremental hydroelectric generation used for compliance with
26 this section in the previous calendar year, which shall be reported as a percentage of total
27 kilowatt-hour sales to end-use customers in the Commonwealth by retail electricity suppliers.
28 The Division shall adjust upward, by this reported percentage, the minimum percentage of
29 kilowatt-hour sales from new renewable energy generation sources that each retail supplier must
30 provide to end-use customers in the Commonwealth in the following year and each year
31 thereafter, which shall be in addition to any other increases in the minimum percentage
32 requirement for the purchase of new renewable energy generation as determined by the
33 Division.

34 SECTION 4. Section 11 F of Chapter 25A of the General Laws, as appearing in the 2004
35 Official Edition is hereby amended by adding the following new section:- (e) Not less than
36 once every two years, every distribution company providing default or basic service, as that
37 term is defined by the department of telecommunications and energy, shall conduct a Request
38 for Proposals for contracts for a) Renewable Energy Certificates from eligible new renewable
39 energy generating sources and b) Renewable Energy Certificates bundled with electricity
40 generated from eligible new renewable energy generating sources; and shall sign contracts,

41 subject to department of telecommunications and energy review and approval, that provide the
42 least-cost means of compliance with this section for default or basic service customers.
43 Distribution companies must consider contracts for up to 20 years duration, and must acquire at
44 least thirty percent of their projected compliance obligation from contracts of at least ten years
45 duration.