

## **Initiative Petition for a Law Relative to An Equitable Increase in Solar Energy**

Be it enacted by the People, and by their authority:

SECTION 1. The purpose of this Act is to ensure all citizens in the Commonwealth have reasonable and equitable access to the benefits of solar energy. To ensure that this act does not interfere with the growth of other renewable technologies, this Act also increases the renewable portfolio standard.

SECTION 2. Section 138 of chapter 164, as appearing in the General Laws, is hereby amended by inserting after the definition of "customer" the following definitions:-

"Community shared solar net metering facility", a solar net metering facility with three or more eligible recipients of credits, provided that (1) no more than 50% of the net metering credits produced by the facility are allocated to any one recipient, (2) no more than three recipients may receive net metering credits in excess of those produced annually by 25 kW of nameplate AC capacity and the combined share of said participants' capacity shall not exceed 50% of the total capacity of the Generation Unit, unless otherwise allowed by the Department of Energy Resources, and (3) the recipients have an interest in the production of the facility or the entity that owns the facility, in the form of formal ownership, a lease agreement, or a net metering allocation agreement.

"Environmental justice", the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of race, income, national origin, or English language proficiency. Environmental justice shall include the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies and the equitable distribution of environmental benefits.

"Environmental justice household", a household within an environmental justice population.

"Environmental justice population", a block group for which any of the following are true: annual median household income is equal to or less than 65 percent of the statewide median; or 25% or more of the residents identifying as minority; or whose 25% or more of households having no one over the age of 14 who speaks English only or very well - Limited English Proficiency (LEP), or a block group determined to be an environmental justice population by the Executive Office of Energy and Environmental Affairs pursuant to Executive Order 552 issued by Governor Deval Patrick in 2014.

"Low-income", as defined under section 1 of chapter 40T.

"Low income solar net metering facility", a solar net metering facility that allocates all of its output and net metering credits to (1) the providers or residents of publicly-assisted housing under section 1 of chapter 40T or (2) low income and environmental justice households; or (3) entities primarily serving such persons. The Department of Energy Resources may establish an alternate minimum threshold or thresholds for allocation of output and net metering credits to determine project eligibility if the Department determines a lower threshold is necessary in order to facilitate economic viability of low-income solar net metering facilities or to deliver meaningful economic benefit to recipients.

SECTION 3. Section 11F of chapter 25A of the General Laws is hereby amended by striking out, in lines 16 and 17, the words "and (3) an additional 1 per cent of sales thereafter." and inserting in place thereof the following words:-

(3) an additional 1 per cent of sales every year until December 31, 2018; (4) an additional 3 per cent of sales every year thereafter.

SECTION 4: Chapter 25A of the General Laws is hereby amended by inserting after section 15 the following:-

Section 17. (a) The Department of Energy Resources shall determine the long-run value of distributed solar energy generation in the Commonwealth and the method for determining that value. The method developed by the Department must account for the value of the energy, generation capacity, avoided transmission and distribution investments, avoided line losses, improved local reliability and power quality, avoided natural gas pipeline capacity costs; market price suppression effects for energy and capacity; avoided fuel price risks; reasonably foreseeable environmental and public health compliance costs, including the avoided cost of compliance with greenhouse gas limitations under Chapter 21N; the cost of integrating distributed solar energy generation into the distribution system; and the societal value of (i) the reduced environmental and public health impacts and (ii) economic benefits. The Department may, based on known and measurable evidence of the cost or benefit of solar operation to ratepayers and society, incorporate other values into the method. The values shall be calculated as a levelized 25-year net present value per kilowatt-hour using an appropriate societal discount rate.

(b) The Department shall issue a report with the method and the value of distributed solar energy generation by January 1, 2020. This report shall be updated every four years thereafter. The Department shall make public its proposed methodology and rationale and provide for an opportunity for public comment. In issuing or updating this report, the Department is not required to conduct an adjudicatory proceeding or a regulatory proceeding under Chapter 30A.

SECTION 5. Chapter 25A of the General Laws is hereby amended by inserting after section 11I the following sections:-

Section 11J. The department shall establish a commonwealth solar program to encourage the development of solar photovoltaic technology by residential, commercial, governmental and industrial electric customers throughout the Commonwealth. The program shall be structured to achieve at least 17.5 per cent solar electricity, measured by the sale of retail electricity to end-use customers in the Commonwealth, by December 31, 2025, and at least 25 percent solar electricity by December 31, 2030.

Section 11K. The department shall establish, within six months of the effective date of this act, an "Environmental Justice Working Group" to advise the Commonwealth Solar Program established in section 11J. The working group is tasked with designing policies under the program to expand solar access and solar ownership for environmental justice households, as defined in section 138 of chapter 164 of the General Laws. The working group shall also design plans to reach communities in which the primary language of the majority of the residents is not English. Such working group shall consist of fifteen members appointed by the secretary of the executive office of energy and environmental affairs and be comprised of representatives from: environmental justice communities, the department, the Department of Public Health, the Department of Environmental Protection, and the Executive Office of Labor and Workforce Development. Environmental justice community representatives shall be members of communities of color, low-income communities, and communities bearing disproportionate pollution and climate change burdens, or shall be representatives of community-based organizations with experience and a history of advocacy on environmental justice issues.

Section 11L. The department is granted authority to establish monetary incentives and grants designed to meet the goals of the Commonwealth Solar Program established in Section 11J. Regardless of the form of incentives or grants used, at least 25% of the value of the incentives or grants will be designated to go toward projects that benefit environmental justice households, as defined in section 138 of chapter 164 of the General Laws. This designation is intended to equitably share the economic and environmental benefits of the program. The environmental justice working group will advise in the design and implementation of the designated 25% of incentives and grants, and the department may choose to use portions of the designated incentives or grants to resolve barriers to equitable access to solar energy and other clean energy technologies.

SECTION 6. Said section 138 of said chapter 164, as so appearing, is hereby further amended by striking out in the definition of "market net metering credit" the following words:-"that credits shall only be allocated to an account of a municipality or government entity" and inserting in place thereof the following:- "that credits shall be allocated only to an account of a municipality or government entity or low-income and environmental justice households."

SECTION 7. Said section 138 of said chapter 164, as so appearing, is hereby further amended by striking out in the definition of "net metering facility of a municipality or other governmental entity" the following words:- "or (2) of which the municipality or other governmental entity is assigned 100 per cent of the output." and inserting in place thereof the following:- "or (2) of which the municipality, other governmental entity, or low income or environmental justice households are assigned 100 per cent of the output."

SECTION 8. Section 139 of said chapter 164, as so appearing, is hereby further amended by adding the following subsections:-

(l) Notwithstanding any provision of special or general law to the contrary, a low income solar net metering facility shall receive credits equal to the excess kilowatt-hours by time of use billing period, if applicable, multiplied by the sum of the distribution company's: (i) default service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii) distribution kilowatt-hour charge; (iii) transmission kilowatt-hour charge; and (iv) transition kilowatt-hour charge; provided, however, that this shall not include the demand side management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of chapter 25.

(m) Notwithstanding any provision of special or general law to the contrary, a community shared solar net metering facility that allocates at least 50% of its credits to low income and environmental justice households or the providers or residents of publicly-assisted housing under section 1 of chapter 40T or entities primarily serving such persons shall receive credits equal to the excess kilowatt-hours by time of use billing period, if applicable, multiplied by the sum of the distribution company's: (i) default service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii) distribution kilowatt-hour charge; (iii) transmission kilowatt-hour charge; and (iv) transition kilowatt-hour charge; provided, however, that this shall not include the demand side management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of chapter 25.

SECTION 9. Section 139 of Chapter 164, as so appearing, is hereby amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) The maximum amount of generating capacity eligible for net metering by a municipality or other governmental entity shall be 10 megawatts.

*I have personally reviewed the text of this initiative petition, subscribe to its contents, and agree to be one of its original signers.*

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