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Michael Judge
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Christopher Derby Kilfoyle

March 24, 2013

Re: 225 CMR- 14.00 Ongoing Rulemaking Process

Dear Mr. Judge,

Thank you for the opportunity to speak at the Stakeholders meeting on March 22nd and to submit these additional detailed comments. Attention by the Department and interested stakeholders is directed to my comments in November 2009 during the original proceedings and published on the Solar RPS website at-
<http://www.mass.gov/eea/energy-utilities-clean-tech/renewable-energy/solar/rps-solar-carve-out/historical-development-of-the-rps-solar-carve-out.html>

The present regulation changes contemplated to accommodate primarily post 2008 large scale solar developers /investors continues to ignore the solar PV capacity build out, pre -2010, particularly of small system PV owners. This may be the last time this policy and regulatory inequity can be remedied. Thus on behalf of those who bore the highest expenses to foster solar commercialization in Massachusetts the Department is requested to include the following change to : **225 CMR 14.00 Section :4.(b) Special Provisions for a Solar Carve -Out Generation Unit** from the existing text ,

“(b) If the construction and installation of a Unit was funded through a program administered prior to January 1, 2010, by the Massachusetts Renewable Energy Trust, or if the Unit was funded substantially from American Recovery and Reinvestment Act, P.L. 111-5 (ARRA) for the installation of that Unit, the Unit shall not be eligible to participate in the Solar Carve-Out. Substantial shall mean for this purpose more than 67 per cent of total installed cost. Notwithstanding this subsection, if the substantial funding that a Unit receives is from a payment in lieu of tax credit under section 1603 of ARRA, the Unit shall be eligible for Solar Carve-Out Renewable Generation Attributes. “
to

“(b) If the construction and installation of a Unit was funded substantially through a program administered prior to January 1, 2010, by the Massachusetts Renewable Energy Trust, or if the Unit was funded substantially from American Recovery and Reinvestment Act, P.L. 111-5 (ARRA) for the installation of that Unit, the Unit shall not be eligible to participate in the Solar Carve-Out. Substantial shall mean for this purpose more than 67 per cent of total installed cost. Notwithstanding this subsection, if the substantial funding that a Unit receives is from a payment in lieu of tax credit under section 1603 of ARRA, or a tax credit under the Federal Tax code the Unit shall be eligible for Solar Carve-Out Renewable Generation Attributes.”

Thank you for consideration of these comments.

Sincerely,

