May 19, 2025

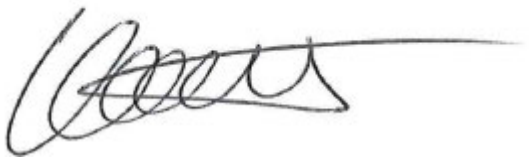
Sent electronically to **sitingboard.filing@mass.gov**.

RE: Straw Proposal Comments

Dear Staff at the Energy Facility Siting Board (EFSB), Department of Public Utilities (DPU), Department of Energy Resources (DOER), and Executive Office of Energy and Environmental Affairs (EEA ("Staff"):

Avangrid Power, LLC ("Avangrid" or "the Company") is pleased to submit comments on the straw proposals implementing the 2024 Climate Act and 2024 Grid Equity Act. We look forward to continued engagement with the EFSB, DPU, DOER, and EEA.

Sincerely,



Kenneth Kimmell
Chief Development Officer – Offshore
Avangrid Power, LLC
[redacted]

Avangrid Power Comments

Overview

Avangrid is committed to the cost-effective delivery of renewable energy and contributing to the energy independence in Massachusetts and greater New England Area. An integral part of cost-effective renewable energy deployment is a predictable and efficient permitting process. The 2024 Climate Act is a bold and commendable directive to streamline and consolidate permitting processes for Clean Energy Infrastructure at the state and local levels, while the 2024 Grid Equity Act serves to enhance public participation and stakeholder engagement in project development. The Company appreciates the opportunity to provide feedback on the Staff's straw proposals for implementation of these laws and applauds the careful thought that has gone into the proposals. Below, Avangrid has provided general comments and recommendations for the consolidated permitting process as well as feedback on several of the straw proposals published by EFSB staff during the Spring.

General Comments

Siting and Interconnection Considerations

Certain decisions regarding elements of large commercial-scale offshore wind project siting occur at very early stages of project development, including the location of the Wind Turbine Generators (WTGs) and the point interconnection (POI) to the grid location. These components are established first as a critical path item to assess economic and technical feasibility of a project, including supply chain availability. For example, the grid interconnection point has critical impacts on project decisions and costs in the selection of transmission technology and supply chain availability, both of which are dependent on the distance to the grid interconnection.

Furthermore, selection of a POI is determined through a separate and distinct interconnection request processes with ISO New England. This highly technical study can take up to three years and often occurs in parallel with the permitting process. As required by the Federal Energy Regulatory Commission (FERC)'s Order No. 2023, interconnection request packages can only be submitted during a cluster study request window which happens once approximately every 1.5 years. This process involves power flow analysis, grid stability analysis, and thermal and voltage constraints analysis to determine transmission upgrade requirements and their associated costs. The nature of the cluster study approach is intended to streamline and shorten the interconnection process, but it also entails financial penalties for withdrawal.

For these reasons, Avangrid believes that public engagement becomes most meaningful once there is a reasonably defined project framework based on the commercial and technical viability of major project components. While routing can be adjusted to an extent during the permitting process, the regulations should recognize the fixed nature of POIs for certain types of centralized generation facilities in the development of Site Suitability and Cumulative Impact Analysis Regulations and Guidance, and not subject POI's to a "site suitability scoring" regime, as this presupposes that there are feasible alternatives, which there are not once a project commences permitting. Avangrid also cautions against rules or guidance which would further limit development potential based on limited access to the electrical grid at capacities required by large scale commercial developments, including if the Commonwealth authorizes the use of surplus interconnection service as an available transmission option.

Procedural Regulations

980 CMR 1.00 Procedural Regulations

Guidance Documents

Avangrid respectfully requests that Staff publish draft guidance documents so that stakeholders can provide comments. Avangrid also recommends interdisciplinary working groups to provide feedback on guidance documents.

Project Commencement/Project Change

Avangrid recommends that EFSB consider a longer 5-year Term for the consolidated permit, rather than just 3-years. This timeframe balances the public interest of ensuring sited projects are built and put into operation in a timely manner given complex offshore wind project timelines for securing financing, supply chain commitments, component production schedules, delivery, and construction. The longer permit term will not only provide project proponents with the necessary time required to adapt to evolving regulatory requirements and technological advancements without needing to reapply for permits, but also allow Developers to plan and execute projects more effectively. A modest increase in permit validity terms, will allow for better coordination of construction, interconnection, and operational phases leading to higher project certainty, to the benefit of the ratepayers, grid operators and project proponents. The commercial reality is that offshore wind projects typically do not receive financing until all permits are secured. This in turn requires a high degree of contract coordination, mature project plans and advanced intertwined manufacturing delivery schedules. To ensure timely project delivery and reduce project risk, permits should be issued at least 4 years before the Commercial Operation Date (COD) to allow for the necessary contractual coordination and provide some flexibility for delays.

Decommissioning

The Siting Board proposes rules on decommissioning and site restoration, which would define what infrastructure must be removed, the time for removal, an estimate of decommissioning and restoration costs, and proposed financial instrument(s) to ensure the funding of

decommissioning and restoration activities. Avangrid supports formalizing this requirement and points to the Bureau of Ocean Energy Management (BOEM)'s implementing regulations for decommissioning planning and procedures as a framework for the proposed regulations. Avangrid notes that decommissioning requirements for BOEM are based on project components within federal jurisdiction. Similarly, state jurisdictional decommissioning requirements should only extend to public land or rights of way, and not privately developed parcels.

980 CMR 2.00 Conduct of Siting Board Business Regulations

The revised regulations would include a new section reflecting the requirement in the 2024 Climate Act that the Siting Board establish and maintain an online Dashboard that includes information on Siting Board proceedings and ensures that comprehensive data and information shall be made publicly available in a machine-readable format. Avangrid supports revisions to the procedural regulations which would modernize the filing requirements and provide transparency to both the public and developers on the status of procedural steps for project review. Avangrid recommends including the pre-filing requirements on the dashboard as well, given the extensive requirements and length of required pre-filing activities. This will ensure that permitting agencies and stakeholders are aware of the process and upcoming milestones.

980 CMR 13.00 Consolidated Permits for Clean Energy Infrastructure Facilities:

These regulations would include a requirement for completeness determinations to be made within 30-days of application submission. Avangrid recommends developing a formal checklist or similar guidance document for developers similar to the Notice of Intent guidance developed by BOEM. The straw proposal indicates the new regulations will include standard schedule requirement to meet statutory obligations of 6–15-month review timeframe. The straw proposal proposes regulations that identify requirements for state agencies to submit recommended permit conditions which will include supporting reasoning for the condition, designate enforcement to permitting agencies. Avangrid recommends that the regulations direct agencies to coordinate conditions and align justifications to streamline compliance, including some coordination with Federal Agencies and/or permit conditions. Currently, many permits include redundant conditions that would be satisfied by similar evidence or deliverables or identify general environmental requirements that satisfy multiple performance standards. Avangrid believes this process represents an important opportunity to streamline permit conditions among agencies to make compliance more effective.

Standard Conditions

The 2024 Climate Act requires that the Siting Board establish permit conditions and requirements, through regulations, for different types and sizes of clean energy infrastructure facilities *in the event of constructive approval* if the Siting Board fails to issue a decision before the statutory deadline of 12-15 months, in the case of large clean energy infrastructure. Avangrid has comments on the following standard conditions proposed by EFSB:

- **Project Commencement/Project Change**: As noted above, a five-year term balances the public interest of ensuring sited projects are built and put into operation in a timely manner against the developers' need for adequate time to construct the facility and regulatory certainty with respect to financing. Alternatively, if the EFSB is not able to extend the permit term, the renewal process should be straight forward and administrative in nature to reduce risk to the project financing. In terms of project changes, the regulations should include a threshold for materiality of the changes in order to prevent costly construction delays due to de minimis changes required by unforeseen circumstances during the procurement process.
- **Updated/Certified Cost Estimate:** Avangrid does not believe that this condition is appropriate for projects participating in a competitive procurement. Any changes in project cost have no implication to ratepayers since a power purchase agreement or Renewable Energy Credit (REC) represents a fixed price and final costs include highly sensitive commercial information. In addition, the DPU, and not the Siting Board, has jurisdiction over costs under the applicable procurement laws.

Avangrid supports standard conditions that would require a periodic report on the feasibility of incorporating electric vehicles, SF6 Alternatives, flood mitigation and sea rise, shore-to-ship electricity for OSW, and magnetic field testing but recommends avoiding directives to incorporate these technologies which could be cost-prohibitive due to commercial availability. Avangrid recognizes that the Commonwealth is focused on increasing energy affordability and directives to shift to certain technologies may be relatively expensive in the near-term. Therefore, the Commonwealth will need to evaluate the tradeoff and consider technology directives as a recommendation rather than a requirement or expectation in the near-term.

Further, Avangrid believes the establishment of Health, Safety and Environmental Standards would negate the need for certain conditions if the applicant has demonstrated compliance or would otherwise be required to confirm compliance with post-construction monitoring. Avangrid believes that the establishment of best management practices in guidance could prove to be an effective way to enforce standard conditions. For example, projects that implement best management practices such as use of Horizontal Direction Drilling (HDD) to install infrastructure below sensitive resources or burial of transmission lines, should be presumed to be implementing best management practices and therefore mitigating any perceived impacts.

Common Standard Application

Application Type: Aggregation Model vs. Purpose-Built Model

The 2024 Climate Act mandates that the EFSB establish a "common standard application" for submissions to the Siting Board (G.L. c. 164, § 69T(b)(ii)). The EFSB's Straw proposal suggests using an Aggregation Model rather than a Purpose-Built Model for this application. While Avangrid understands the rationale behind this approach, it imposes a significant pre-application burden on developers to address redundancies and conflicting regulations identified in the straw

proposal as deterrents to adopting a Purpose-Built Model which would integrate the additional review requirements of the 2024 Climate Act.

The proposal requires applications to identify duplicative information or conflicting requirements across permit programs, cross-reference them as needed, and provide proposed resolutions with adequate explanations. Avangrid believes this process could introduce unnecessary delays to the pre-filing process by placing the burden on developers to resolve complex policy issues arising from state regulations.

Given the time constraints in implementing the law, Avangrid recommends that the EFSB adopt an interim approach to address some of the redundancies identified in the Aggregation Model. This could involve developing a comprehensive list of analyses and resource area delineations to support the review of permit applications and new requirements of the 2024 Climate Act. In the absence of an integrated application, Staff risk introducing a more burdensome and complicated permitting process for developers which goes against the intent of the 2024 Climate Act.

New York's Office of Renewable Energy Siting (ORES) draft regulations for Major Transmission Facilities and Renewable Energy Generating Facilities provide a detailed outline of resource areas for project evaluation to determine potential impacts. Avangrid generally supports this scope of analysis if it replaces redundant applications but cautions against requiring the submission of more detailed analyses until later in the review process as opposed to prior to submission.

As indicated in the straw proposal, applications should be deemed complete based on factors such as providing sufficient information for state and local agencies to recommend permit conditions and evidence for the Siting Board to make required findings. A comprehensive list of informational needs, including studies and analyses, is necessary to meet this expectation so developers can adequately plan and budget for required analyses. Some analyses can take upwards of 6 months to complete and may have seasonal restrictions which elongate the timeline for delivery. To account for this, applicants could be required to provide preliminary analyses in the application and identify the timeline for delivery for analysis based on more advanced engineering.

The proposal also states that the application must identify all relevant local, regional, and state permits, authorizations, and approvals required to construct and operate the proposed facility, absent a consolidated permit from the Siting Board. Avangrid recommends a procedural step during the review process to confirm the list of permits and regulations applicable to the project after agencies have reviewed project submissions. This approach, similar to the North Carolina Utilities Commission's review process for renewable energy generating facilities and would provide an additional opportunity to confirm the applicability of regulations once permitting agencies have reviewed the formal application.

Health, Safety and Environmental Standards

Avangrid believes that establishing reasonable Health, Safety, and Environmental Standards is essential for public trust and project success. These standards would set minimum requirements that companies must meet. Avangrid recommends forming technical working groups that include representatives from various stakeholder groups, such as industry experts, academia, government, and non-governmental organizations. This diversity ensures that different perspectives are considered, leading to more balanced, trusted, and effective guidance. Given the constant emergence of new technologies, guidance documents can be updated more regularly than regulations.

Electromagnetic Fields (EMF)

While EMF modeling and mitigation measures would remain a part of an application, Avangrid believes that upper limit of EMF levels should be consistent with the World Health Organization (WHO). The WHO concluded that "[magnetic field] exposures below the limits recommended in the International Commission on Non-Ionizing Radiation Protection ("ICNIRP") international guidelines do not appear to have any known consequence on health and identifies a recommended exposure limit of 2,000 mG.

Pre-filing Requirements

Avangrid appreciates the Staff's development of robust pre-filing requirements to engage permitting agencies and stakeholders prior to the permit application to EFSB. Avangrid has significant concerns with the timeline of the pre-filing engagement and believes it goes against the spirit and intent of the 2024 Climate Act to expedite permitting. We encourage the Staff to consider shortening the formal requirement length of pre-filing period to six months and provide certain backstops that would prevent scheduling delays. For example, refusal of stakeholders to meet during this phase could prevent developers from advancing through the pre-filing process.

Site Suitability Criteria

Development Potential – Grid Alignment

A "Development Potential" or "Grid Alignment" site suitability criterion should be applied differently for offshore wind projects due to their energy generating capacity and location away from the onshore electrical grid. The generation capacity of offshore wind projects makes it impractical for them to serve only nearby loads. Instead, large-scale clean energy generation projects require interconnection to a robust transmission system capable of distributing power throughout the region, not just to local loads.

For example, while Boston may have a high load demand that could accommodate offshore wind injections, it is constrained by the grid's ability to distribute energy from multiple projects without significant upgrades, including the installation of new substations in highly constrained areas. Unless the grid is extended into the ocean, the weight of this criterion for offshore wind projects should be low when scoring. Instead, grid alignment could be measured by a project's

coordination with planned reliability upgrades by Electric Distribution Companies (EDCs), such as New England Wind 1's coordination with Eversource's Mid-Cap Reliability Project. Avangrid recommends that any directives related to the Grid should be coordinated closely with ISO-NE.

Climate Change Resilience

Avangrid supports the incorporation of resiliency as a site suitability criterion for project siting but also notes that OSW is inherently a water dependent use and some of its components must be sited within coastal areas. To mitigate for this, OSW developers often utilize underground transmission and horizontal direction drilling which ensures adequate burial of cables at landing locations. OSW developers should have the ability to offset inevitable lower resiliency scores due to their siting through coastal areas by incorporating these best management practices. Guidance or regulations should recognize these efforts as they add considerable cost to project construction.

Ineligible Areas and Underground Infrastructure

Avangrid does not believe it is appropriate to categorize Article 97, Priority Habitat, or Wetland Resources areas as "ineligible areas" for underground electric cables, given the limited impact to these resources and the fact that existing regulations already establish standards for development in those areas. Such categorization would be overly restrictive and could have unintended consequences such as concentrating clean energy infrastructure siting in unfairly burdened communities.

Avangrid believes that underground installation for clean energy transmission facilities, such as transmission cables and accessory infrastructure like splice vaults and transition joint bays, should be considered a self-mitigating best management practice. Similarly, due to the temporary nature of impacts, underground infrastructure should be exempt from prohibition in "ineligible areas" if Staff decide to incorporate such areas into the approval process.

Guidance on Community Benefits Plans

Avangrid appreciates the Staff's guidance on Community Benefit Plan (CBP)s and Community Benefit Agreement (CBA)s. Avangrid believes the Community Benefit Plan should be submitted as part of the EFSB application to socialize proposed benefits. However, Avangrid strongly discourages requiring a CBA to be negotiated during the EFSB review process and should not be a prerequisite for issuance of a final decision.

Other Considerations

Below, Avangrid proposes additional considerations when Staff revise regulations.

Project Phasing and Compliance Requirements

Avangrid recommends that EFSB incorporate a project phasing provision that allows project construction in distinct incremental phases. This will provide developers the opportunity to start construction on distinct scopes of work with separate contractors and potentially relieve

congestion in host communities by reducing the level of construction intensity over the permit period. This phased approach would entail allowing partial pre-construction filings associated with distinct scopes of work to move forward ahead of other separable construction scopes. This would relieve a project proponent from consolidating conflicting work scopes with dissimilar timelines under a single comprehensive construction filing, which, in many past cases resulted in complicated overlapping and disruptive construction activities. Alternatively, permit conditions should identify the project scope of work or project phase that they are related to (for example: construction, operation or decommissioning).

Transitional Rules

Avangrid recommends the inclusion of transitional rules for projects that must meet Commercial Operation Dates (COD) between 2029-2033 and have already developed advanced project designs. For instance, projects within these timeframes would need to initiate the proposed pre-filing process now to secure permits in time. However, applying the new proposed rules to a project in advanced design stages could result in changes that would jeopardize the CODs within this time frame. The inclusion of transitional rules should aim to shorten the overall pre-filing timeline and should be limited to demonstrating a satisfaction of the intent of the proposed pre-filing requirements. For example, a project with a 2029-2033 COD will have already undertaken extensive public outreach and conferring with applicable agencies. Projects which have already gone through that process should not be required to do it a second time. This would allow proponents to begin the formal review process as soon as the regulations are fully implemented in the second half of 2026 without risking the project deployment timelines.

Conclusion

Avangrid appreciates the opportunity to submit comments on the Straw Proposals and looks forward to continued opportunities to participate in the stakeholder process going forward.