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September 7, 2013

Dwayne Breger, Ph.D.  
Director, Renewable and Alternative Energy Development  
Massachusetts Department of Energy Resources  
100 Cambridge Street, Suite 1020  
Boston, MA 02114

Dear Dr. Breger,

Please accept these comments on behalf of Borrego Solar Systems pertaining to the September 27<sup>th</sup> Draft Guidelines for the RPS Solar Carve-Out Construction Timeline Extensions released by the Department of Energy Resources (DOER).

Borrego Solar is very supportive of the effort to provide further clarity to the solar community regarding documentation required to justify acceptable delays. DOER's attempt to be specific is greatly appreciated given the enormous investment these projects require.

We respect that DOER may seek some latitude for exercising judgment when determining an Additional Extension under 225 CMR 14.05(4)(k)4.c, and while we would like to see that subjectivity maintained in the final regulations, Borrego Solar would also suggest that a more concrete milestone for determining mechanical completion is established.

Because there are often financing parties involved with these projects that have heightened sensitivity to policy risk, it is critical that a minimum objective criteria is established to avoid delays and ensure the timely deployment of capital on what is already an accelerated schedule.

It is our opinion that the Engineer of Record is in the best position to determine the mechanical completion of a system and therefore should attest to when that milestone is achieved. If a system is mechanically complete, less any utility infrastructure, but has not been given Permission to Operate; a sworn affidavit from the Engineer of Record should be sufficient evidence to satisfy the requirement.

We look forward to seeing the swift adoption of a final Guideline over the coming days and assisting with the Administration's goals of solar adoption.

Respectfully,

Andrew Reed  
Director of Sales; Eastern Region