

Judith Judson, Commissioner
Department of Energy Resources
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: 400MW Review Public Comments

Dear Commissioner Judson:

Thank you for the opportunity to provide comments on the SMART Program's 400 MW review. I attended DOER's presentation of its recommendations in Fitchburg on September 13th.

As the Commonwealth moves toward our clean energy future we need to be aware of possible issues and potential unintended consequences of the decisions made today. Thank you for extending the 400MW Review to include addressing:

- Program oversubscription
- Land use impacts
- Geographic and project type diversity
- Accessibility of program to low income communities
- Other administrative fixes

Before I provide comments on those issues, I want to raise a few questions about stakeholder involvement in the process. Slide 31 of the presentation indicated that DOER held Stakeholder meetings in the May to July 2019 time period.

- How were these stakeholders identified?
- Where and when were those meetings and who was present at the meetings?

My first notice that the 400MW Review was really happening was an August 23rd release from DOER announcing the Straw Proposal meetings. I did not see notice of any public meetings to seek comment during the summer and an on-line search does not show any as well. The Straw Proposal seemed to be presented as a done deal with any comments perhaps as only tweaks to the presented proposal. How else could DOER/EEA/ANF start reviewing draft regulations in mid-September, before the comment period ended (September 27th) and then issue emergency regulations by mid-November?

Over the last decade hundreds, maybe even thousands, of residents of the state have spent countless hours helping our Commonwealth move toward a clean energy future. Citizen pressure helped bring about the Global Warming Solutions Act and the 2016 legislation which led to the SMART program. It's not just the utilities and the solar companies that are stakeholders in the SMART program. All residents of the Commonwealth are stakeholders too and deserve a real voice in the process that will ensure the Commonwealth has a solar program that will work for all.

- **Program oversubscription**

A doubling (1600 MW) or tripling (2400 MW) or more is not unreasonable and would send a message that the Commonwealth cares about moving toward a clean energy future. The SMART program has been hugely successful. In less than one year, we are already more than halfway to the initial 1600 MW goal. Slide 2 of the presentation showed that large system blocks are already full in Unitil, Mass Electric and Eversource West. Massachusetts residents and businesses are going all-in on solar. Raising the limit by only 800 MW will not provide the necessary certainty for solar development in the next few years. It also appears the backlog of possible proposals may be larger than indicated by the state data which tracks actual applications and not those still going through local approval processes. With the current delays and continued uncertainty in the proposed off-shore wind projects, we cannot rely on them to come online in the time needed to meet our greenhouse gas emissions targets. Therefore, we need to double down on the local solar projects that can be up and running much sooner to enable us to meet our climate goals.

I was surprised to learn at the presentation that the SMART utility blocks are not back-filled when previously approved projects drop out. Is this true? In slide 2 of the presentation we learned that only 34 MW of SMART installations have actually been installed out of the 1017 MW for which applications have been submitted. This is only a 3% rate overall. Only 1.4% of the large systems have been installed. I heard comments at the meeting indicating that some of the early SMART submittals may not be viable projects. It is critical that blocks be back-filled when projects drop out. Why would the Commonwealth not make this a requirement? Proposed projects that never come to fruition do not reduce greenhouse gas emissions and, therefore, do absolutely nothing to help us reach our climate goals.

- **Land use impacts**

Parking lots, rooftops and brownfield developments are great places to site solar projects, particularly in urban areas where what little open space there is needs to be preserved. However, the Straw Proposal for restrictions on greenfield developments goes too far and may have unintended consequences. At this point in our climate crisis we need an “all of the above” approach. Carefully sited and regulated greenfield developments can be part of the solution.

Rather than a general subcontractor for all greenfield projects, why not let the subcontractor be removed if the developer:

- has zoning approval from community
- works with a local land trust to permanently protect an equivalent amount of open space; and,
- ensures a dual use the solar field to include either an agricultural use, pollinator and bird habitat, or some other use that provides natural carbon sequestration or nature-based resiliency.

While the SMART program was being developed and soon after, many local communities established zoning bylaws to address the expected solar development. I served on the Townsend solar bylaw review committee so I know well the thought, care and time we spent to write a zoning bylaw that would protect our community's character while still allowing some carefully sited solar developments. Moving projects that comply with local zoning from Category 1 to Category 2 does not make sense. If a community invested considerable time and effort to craft a bylaw that works best for that community they, and the project developers who invested considerable resources to comply with those bylaws, should not be penalized.

Three years ago, when I first began to serve on the Townsend committee to draft a solar zoning bylaw for our community, I was opposed to any use of solar on forests and lands in agriculture. After digging into the issue, I realized that like most land use issues, “it’s complicated.” We could write a bylaw prohibiting greenfield solar developments but that same piece of property could instead be developed for sprawled housing with a much larger climate impact. If a farmer is allowed to lease a portion of their property for solar, it may provide the farmer the financial boost they need to continue their farming operation on the remaining acreage. When a solar project is sited on land, that land is more or less land-banked for the next 20 or 30 years. When a forest or farm is developed for residential, commercial or industrial use, that land is gone forever. This is a critical issue, particularly in rapidly developing parts of the Commonwealth.

Making greenfield solar developers permanently protect an equivalent amount of open space would be a more equitable way to address land use impacts. Ensuring that the land used for solar is simultaneously used for another beneficial use (agriculture, pollinator habitat, etc.) makes it even more of a win-win for the Commonwealth. We get the clean energy generation we need while permanently protecting land that should be permanently protected.

- **Geographic and project type diversity**

The pollinator add-on is a good addition to the program. Energy storage is also good for the Commonwealth and deserves continued or increased promotion as an add-on

The target grid interconnections proposals are a bit more concerning. I understand the value of siting solar where there is existing capacity in the grid to make interconnects easier. Yet, where is the oversight of the utilities to do what’s best for the Commonwealth vs. what’s best for their bottom line? Has the Commonwealth looked at this at the state level?

From what I understand, many projects in Central and Western MA are on-hold while Massachusetts Electric completes a Cluster Study *“to determine the impacts of these interconnections on the transmission system in accordance with ISO-NE rules and planning procedures.”* (<https://ngus.force.com/s/article/Affected-Substations>) It is appalling that Massachusetts Electric and DOER did not anticipate this issue and begin the study three years ago when the SMART program was authorized or even ten years ago with passage of the Global Warming Solutions Act. Is this just another instance of foot-dragging by utilities afraid of what a clean energy future will mean to their bottom line?

This is another reason to significantly raise the program limit to 3200 or 4000 MW. Not only would it send a message to solar developers that MA means business, it will send a message to utilities that they need to get moving to plan to make the necessary upgrades to the existing grids to accommodate the maximum new generation potential. The outdated model of initiating transmission planning after a new generation project is proposed might have worked fine pre-deregulation when the same utility decided when and where to build new generation. That model became incredibly inefficient under the independent power producer model, and is now completely inappropriate for today’s world where hundreds of smaller generators, many of which may represent both load and generation, could (and should) come online in the next few years.

- **Accessibility of program to low income communities**

The Commonwealth needs to take more concerted steps to ensure that our lower income households benefit from the SMART program. I'm not sure that including Environmental Justice areas is the way to make that happen. As development pressure moves westward from Boston, I see gentrification happening in some Environmental Justice regions. Including these Environmental Justice areas in the program could result in the higher income gentrifiers profiting rather than the lower income existing residents.

It seems that there could be other ways to gain low income benefits. Developers could be encouraged or even required to work more closely with organizations that work directly with low income residents such as Community Action Centers, Community Development Corporations, and Community Opportunity Councils.

Another reason not to penalize all greenfield development is that in some communities older housing stock and smaller lot sizes limit the use of on-site solar systems. A community solar project sited on a greenfield could be the solution that community needs.

Thank you for the opportunity to comment on the 400MW Straw Proposal. Everyday it becomes more apparent that we are in a climate crisis. We now see climate change impacts happening much sooner than we all hoped ten years ago when the Commonwealth passed the Global Warnings Solution Act. This combined with inexcusable delays in offshore wind development and utility foot-dragging on solar installations, has left us far short of our clean energy goals and has made the goals themselves far short of where we need to be. As the Commonwealth moves forward to tweak the SMART program for the future, please take care to ensure that the program meets the needs of all residents of the Commonwealth and not just the utility and solar industries interests.

Sincerely,

Carolyn Sellars
Ashburnham, MA

cc: Gov. Baker, Rep. Zlotnik, Sen. Gobi