



August 19, 2021

Massachusetts Department of Energy Resources
Attention: Darchelle Petion
100 Cambridge Street, Suite 1020
Boston, MA 02114
Submitted via email to:
DOER.APS@mass.gov

RE: APS Straw Proposal Comments

Dear Ms. Petion:

Constellation NewEnergy, Inc., (“Constellation”), hereby submits its comments in response to the Massachusetts Department of Energy Resources (“DOER”) request for stakeholder comments on the DOER’s Alternative Energy Portfolio Standard (“APS”) Straw Proposal, dated July 20, 2021. Constellation supports Massachusetts clean energy goals. Constellation encourages the DOER to implement requirements in furtherance of the clean energy goals that are implemented on a prospective basis to allow impacted participants to manage their businesses more effectively and help minimize the impact on ratepayers. As such, Constellation encourages the DOER to implement an exemption for retail customers’ fixed price contracts executed with retail suppliers prior to the effective date of any change.

As the DOER knows, retail electricity customers utilize the retail market to enter into electricity supply agreements to achieve budget certainty, often with multi-year terms of service. Regulatory changes can significantly impact these existing contractual arrangements. The implementation of such clauses will have a direct and immediate financial impact on customers that have otherwise contracted for budget certainty by fixing their electricity price. Regulatory changes subject these customers to additional charges that may not be within their budgets. Furthermore, an exemption of this type is consistent with past precedent. Massachusetts agencies and the legislature have included similar exemptions for existing retail contracts when changing the various renewable attribute programs (including, but not limited to, rules related to the Clean Energy Standard under 310 CMR 7.75, and under Massachusetts General Laws related to Renewable Energy Standards under 25A Sec. 11 F).

In addition, and to the extent possible, Constellation encourages the DOER to minimize the number of future regulatory changes. Regulatory changes can be cumbersome and costly to manage. While Constellation supports the environmental goals of the Commonwealth and will comply with any changes

that the DOER ultimately makes, a streamlined approach which consolidates anticipated future changes is the most practical path forward.

Constellation NewEnergy, Inc. is a leading competitive energy company providing power, natural gas, renewable energy, and energy management products and services for homes and businesses across the continental United States. We are one of the largest suppliers in Massachusetts, providing integrated energy solutions — from electricity and natural gas procurement and renewable energy supply to energy efficiency and distributed energy solutions — that help customers strategically buy, manage and use their energy. Today, approximately 2 million residential, public sector and business customers, rely on our commitment to innovation, dependability, transparency, and service.

Respectfully Submitted,

Neal A. Roper

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