



April 25, 2013

Commissioner Mark Sylvia
Massachusetts Department of Energy Resources
100 Cambridge St., Suite 1020
Boston, MA 02114

RE: Comments on RPS Solar Carve-Out Assurance of Qualification Guideline

Dear Commissioner Sylvia:

On behalf of First Wind, thank you for the opportunity to offer the following comments on the draft Solar Carve-Out Assurance of Qualification Guideline (Guideline) published on April 16, 2013, by the Department of Energy Resource (DOER). First Wind supports DOER's efforts to provide solar developers with more certainty around solar carve-out qualification as the 400 megawatt program cap is approached.

First Wind is a Massachusetts headquartered, independent renewable energy company focused on the development, financing, construction, ownership, and operation of utility-scale wind and solar energy projects in the United States. First Wind has developed and operates 980 megawatts (MW) of generating capacity at 16 projects in six states. Six of our facilities are located in New England and supply energy to the regional grid, and we have a robust solar and wind development pipeline in Massachusetts and other parts of New England.

Reservation Period Extension

First Wind supports the goal of synchronizing as much as possible the rules of the solar carve-out Assurance of Qualification with the rules of the existing net metering system of assurance. Given that goal, **we urge that the Assurance of Qualification Reservation Periods described in Section 5 of the Guideline include a six month extension in exchange for the making of a deposit.** Such a provision is present in the net metering rules but currently not in the Guideline. The Initial Reservation Period of nine months is insufficient for construction of many solar projects, and the lack of a six month extension can create an unreasonable risk and prevent financing and construction of many otherwise viable projects. Unnecessary extensions should be discouraged by loss of the deposit if the project is not completed within the six month extension. If DOER is concerned about unviable projects, this extension provision could be

further limited to projects that are already in construction at the time the extension is requested, although the deposit loss penalty should provide a true incentive.

Transition for Ongoing Projects

First Wind recommends that the Guideline should be clarified regarding whether and how the new rules, including the Reservation Periods and the qualification requirements in draft 225 CMR 14.05(4)(m), will apply to projects that already have a Statement of Qualification or have submitted a complete Statement of Qualification Application under the current rules by the time the proposed rule changes go into effect. In the Department's laudable effort to provide more certainty, **it is important that the transition to the new Guideline not inadvertently harm projects that are in an advanced development stage.** Significant investments have been made under the current policy framework, and it is essential that the move to the new Guideline provide some allowance for these advanced projects.

If it is decided that the new rules will apply to these advanced development projects, **a longer Initial Reservation Period, such as 18 months, should be granted to such projects.** Projects that applied for qualification under the current rules have been developed with schedules based on these current rules, including making the Statement of Qualification Application at a time based on those rules. Imposing a nine month Initial Reservation Period for such projects starting on the effective date of the Guideline (with no ability to influence such date) would unfairly penalize these projects, as many of them already have development and construction schedules that would run past that cut-off.

Clarity Needed On Extended Reservation Period

We encourage further clarification be added to the Guideline about what exactly will be required to qualify for the Extended Reservation Period Pending Authorization to Interconnect, described in Section 5(B)(iii). The draft provision states that "interconnection depends only upon receipt of notice of authorization to interconnect." This is similar to the language used in the net metering system of assurance, but its lack of clarity significantly limits its practical use because it does not provide a clear path for projects where the time required to build interconnection facilities may extend beyond the allowed Reservation Periods. This is likely to adversely impact any number of schedule items for projects; for example, the presence of significant interconnection timing risk outside of developer control may not support the use of project financing to fund construction of projects.

We encourage DOER to clarify that any delay in the process leading to the project's Authorization to Interconnect caused by the interconnecting distribution company will qualify the project for this extension, and also specify the process that will be used to qualify for this extension.

Thank you for the opportunity to share First Wind's views on the Guideline.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dave Wilby". The signature is fluid and cursive, with the first name "Dave" and last name "Wilby" clearly distinguishable.

David A. Wilby
Vice President, State Policy