



April 24, 2013

Mark Sylvia, Commissioner
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Re: AoQ Guideline

Dear Commissioner Sylvia:

The Solar Energy Industries Association (SEIA) respectfully submits the attached comments in response to the above-referenced matter. SEIA is the national trade association of the United States solar industry, encompassing all solar technologies and all points in the solar value chain from manufacturing to project development to installation.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Carrie Cullen Hitt", is positioned above the typed name.

Carrie Cullen Hitt
Vice President State Affairs
Solar Energy Industries Association

P.O. Box 534
North Scituate Ma 02066
617-688-9417
chitt@SEIA.org

SEIA Comments on AoQ Guideline

SEIA appreciates the opportunity to comment on the DOER's proposed RPS Solar Carve-Out Assurance of Qualification Guideline. Given the pace of solar development in the Commonwealth and the approaching 400 MW cap in the solar carve-out, we share the DOER's view that it is important to implement this guideline quickly.

SEIA has five comments on the draft Guideline.

- 1) The opportunity for a 6-month extension in the Reservation Period (RP) is an important component of the Assurance of Net Metering (ANM) that should also be included in the Assurance of Qualification (AQ).

We appreciate the DOER's effort to mirror the ANM system in the design of its AQ system through the Guideline, which is why we question why the option to extend the RP for up to six months by submitting a deposit that appears in the ANM is missing in the Guideline. The nine-month-six-month framework for the ANM balances the need to ensure that projects with that are reserving capacity are making progress with the need to allow those projects sufficient time to complete construction. The 15 months is a reasonable amount of time for projects to reserve program capacity, and that nine months is both insufficient and needlessly out of alignment with the ANM system. Furthermore, by requiring that projects place a deposit after nine months in order to continue to reserve capacity, the system assures that projects that are not into construction after nine months will abandon their reserved capacity at that point. We support the ANM system as is.

SEIA recommends that the Guideline include a six-month extension option that mirrors the ANM system. To the extent that the DOER wants to avoid the problem of deposit collection and return, the Guideline could specify some criteria that are sufficient to demonstrate that a project is under construction at the end of the initial nine-month RP.

- 2) The Guideline would be more clear if it included the information proposed as 225 CMR 14.05(4)(m).

Though the promulgation of 225 CMR 14.05(4)(m) might be sufficient to clarify what a project needs in order to obtain an AQ, the absence of that information from the draft Guideline is confusing to market participants. SEIA recommends that the criteria proposed in 14.05(4)(m) be reiterated in the Guideline.

- 3) The Guideline needs clarity with respect to the RP, and to which projects it will apply.

It is not clear whether the RP applies to projects in the period of time between obtaining an AQ and Authorization to Interconnect (AI), or only during the period of time between obtaining an AQ and a Statement of Qualification (SQ). The Guideline defines “Reservation Period” as “The period for which a Generation Unit is entitled to an Assurance of Qualification prior to a Generation Unit’s receipt of notice of authorization to interconnect from its local distribution company.” While this definition makes clear that the project is *not* entitled to keep its AQ after the expiration of its RP if it has not interconnected, we note that a project does not in fact need an AQ once it has an SQ. We understand that the DOER’s intention is that once the Guideline is effective, a project will lose its AQ *or* its SQ if it has not interconnected at the end of its RP – whichever phase of the AQ-SQ progression the project is in at that time – but we contend that the Guideline requires amendment to make that clear.

If we are correct in our interpretation that the DOER means for the SQ itself to expire at the end of the RP, then the Guideline is also not clear about whether or not it will apply to projects that already have an SQ as of the effective date of the Guideline. We request that the DOER amend the Guideline and/or the Regulation to provide clarity in that respect.

- 4) The Guideline should clarify what is required to demonstrate that a project is waiting only on AI pursuant to 5(B)(iii).

5(B)(iii) allows an indefinite extension for a project if its “interconnection depends only upon receipt of notice of authorization to interconnect.” SEIA requests clarity with respect to how a project would demonstrate that it is only waiting on authorization to interconnect. Furthermore, in the ANM process, the concept was that a project should not lose its cap allocation if “it is only waiting on the utility.” Though we recognize that this comment applies to the language in the ANM system as well as to the Guideline, we are concerned that the frame “interconnection depends only upon receipt of notice of authorization to interconnect” may fall short in that it is unclear whether a project is entitled to an extension if it is fully constructed and the developer has done everything necessary to interconnect for which it is responsible, but is waiting for the utility to do more than just authorize it to interconnect.

- 5) The DOER should consider adding language similar to ACA Guideline Section 5(c).

In order to better align the AQ and ANM processes, it may make sense to include the details around the processing of applications that are included as Section 5(c) of the ANM process. This section provides procedural details that are useful in defining a clear process for obtaining a cap allocation, and the AQ Guideline would benefit from similar clarity.

Respectfully submitted,



Carrie Cullen Hitt
Vice President State Affairs
Solar Energy Industries Association

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North Scituate Ma 02066
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