

Via Electronic Mail: ej.inquiries@mass.gov
October 31, 2025

Rebecca Tepper, Secretary
Maria Belen Power, Undersecretary, Environmental Justice & Equity
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, 9th Floor
Boston, MA 02114

Joint comments on the draft Standards and Guidelines for Community Benefit Plans and Agreements

Dear Secretary Tepper and Undersecretary Power,

The Alliance for Climate Transition ("ACT"), Solar Energy Industries Association ("SEIA"), Coalition for Community Solar Access ("CCSA"), and Advanced Energy United jointly, the "Clean Energy Groups," or "Industry," appreciate the opportunity to submit comments to the Massachusetts Executive Office of Energy and Environmental Affairs ("OEJE") on the draft Standards and Guidelines for Community Benefit Plans and Agreements.

ACT leads the just, equitable, and rapid transition to a clean energy future and a diverse climate economy. ACT is the only organization in the Northeast that covers all of the clean energy market segments, representing the business perspectives of investors and clean energy companies across every stage of development. Our 300+ members include companies based in Massachusetts, doing business, or hoping to make future investments in the state.

SEIA is the national trade association for the solar and storage industry, leading the transformation to a clean energy economy. SEIA works with its 1,000+ member companies and other strategic partners to fight for policies that create jobs in every community and shape fair market rules that promote competition and the growth of flexible, reliable, low-cost solar power. There are at least 453 solar companies based in Massachusetts along with regional and national companies doing business in the Commonwealth. The Massachusetts solar market value is 12.4 billion, creating over 11,600 jobs. Massachusetts is currently ranked 13th in the nation for total installed solar capacity, with 5,477 megawatts (MW) installed, enough to power more than 936,000 homes.

CCSA is a national coalition of over 120 businesses and non-profits working to expand customer choice and access to solar to all American households and businesses through community solar. Together, we are building the electric grid of the future where every customer has the freedom

to support the generation of clean, local solar energy to power their lives. Through legislative and regulatory advocacy, and the support of a diverse coalition—including advocates for competition, clean energy, ratepayers, landowners, farmers, and environmental justice—we enable policies that unlock the potential of distributed energy resources, starting with community solar.

Advanced Energy United is a national association of businesses that works to accelerate the move to 100% clean energy and electrified transportation in the U.S. The term advanced energy encompasses a broad range of products and services that constitute the best available technologies for meeting our energy needs today and tomorrow. These include electric vehicles ("EVs"), energy efficiency, demand response ("DR"), energy storage, solar, wind, hydro, nuclear, heat pumps (air- and ground-sourced), and smart grid technologies.

We support the need for early and authentic community engagement as a means to arrive at better outcomes and mutually beneficial permitting decisions. The Draft Standards and Guidelines for Community Benefit Plans and Community Benefit Agreements is an important resource to that end. We do have some suggestions for clarification and improvement, and questions, detailed below.

Community Benefit Plans and Agreements Should Not be Required as a Permit Condition

While a useful tool in some cases, the Clean Energy Groups are concerned that the current Guidelines on Community Benefit Plans ("CBPs") and Community Benefit Agreements ("CBAs") are overly broad, and may incur inappropriate expectations on small projects that can ultimately lead to permit denials. The Act Promoting a Clean Energy Grid, Advancing Equity, and Protecting Ratepayers directed the OEJE to develop "standards and guidelines governing the potential use and applicability of: (i) community benefit plans and agreements..."¹

A basic tenet of statutory construction is that a law is interpreted based on the ordinary, common understanding of the words used in the text. By inserting the word "potential" prior to the "use and applicability" the legislature was clearly indicating that pursuing a CBP and/or CBA is one vehicle which might be employed to promote the basic tenets of environmental justice and equity in the siting of clean energy projects.

As currently drafted, however, the Guidelines establish a process that is vague on the situations in which a CBP/CBA is appropriate, and could be interpreted as requiring the submission and

¹ See <https://malegislature.gov/Bills/193/S2967>, p.6.

evaluation of CBPs and /or CBAs for all projects.² The Clean Energy Groups submit that such directives go beyond the intent of the legislature and establish a construct which is more adversarial in nature than one that serves the intended purpose of promoting a working relationship between the project applicant and local community.

The Clean Energy Groups recommend that the Draft Guidelines be modified to clarify that such plans or agreements are encouraged but not *required* of all projects, noting that neither DOER nor the EFSB regulations explicitly require Community Benefit Plans or Community Benefit Agreements. DOER's proposed regulations for Small Clean Energy Facility Permitting includes definitions for CBPs and CBAs, but does not substantively reference them beyond noting that a "Community Benefits Plan if applicable" should be included in a Consolidated Local Permit Application (emphasis added).³

The Guidance should distinguish appropriate benefits by project size and impact

We further urge OEJE to ensure that the Guidance appropriately distinguishes between projects of large vs. small scale and of significant vs. minimal impact. In addition, while the Clean Energy Groups appreciate the Guidelines' recognition that CPBs are not "one size fits all" and that the benefits reflected in such plans "will naturally vary depending on the scale of the project,"⁴ SEIA remains concerned that the Guidelines establish a structure, and concomitant expectations, that smaller projects will be unable to meet. For example, the Guidelines establish a comprehensive, seven step community engagement process concluding by stating that:

This engagement framework ensures that CBPs are grounded in equity, accountability, and community leadership, fulfilling both the letter and spirit of EJ principles (meaningful engagement and equitable distribution) in the energy transition.⁵

Thus, the Guidelines set the expectation that if the engagement framework set forth in the Draft Guidelines is not followed, then the CBP is not adequate. This should not be the case. While the Guidelines should offer recommendations regarding community engagement, they should also recognize that each project applicant should be able to structure an engagement framework based on the circumstances that are unique to the applicant and the project location. The same flexibility should be afforded with respect to the content of the CBP – the project applicant should not have to adhere to a prescriptive template.⁶

² See Guidelines, pp 2 (notes applicants should develop CBPs/CBAs as part of required "meaningful engagement"), pp 4-5 (directing the submission of the CBP and encouraging the submission of the CBP as part of the project permit application before the Energy Facilities Siting Board or local municipality, as applicable, for review and evaluation as part of the permitting process); see also, p. 13 ("It is the OEJE's recommendation that a draft CBP be a required component of a project's application to a municipality and EFSB.")

³ See 225 CMR 29.09(2)(b)

⁴ Guidelines, p. 15.

⁵ *Id.*, p. 11.

⁶ *Id.*, p. 13 (setting forth "core components that every plan should include").

We do find that the list of examples of commitments split across large and small projects is helpful to differentiate the scale and scope of reasonable community benefits. However, we also recommend clarifying in the Guideline that not all of the examples may be appropriate in any given case, and communities should not treat the list of *examples* as a list of *requirements*.

Key Stakeholders

The definition of Key Stakeholders, which is the same in the CBP/A Guidance, is overly broad. In 225 CMR 29 the terms Key Stakeholders and Applicants are given specific rights with regard to participation and intervention in the application review and permitting process. For this reason, the Clean Energy Groups recommend that the term "Key Stakeholders" be used only to apply to a clearly defined list of stakeholders including municipal entities and those stakeholders "substantially and specifically affected" by a proposed facility.

On behalf of our members, we thank you for your consideration and commitment to developing policies that support the development of clean energy resources in the Commonwealth, for all the benefits that they will provide in terms of climate goals, resilience and reliability, and helping to increase affordability as we move away from costly and harmful fossil fuels.

Sincerely,

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