



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 20-145

January 22, 2021

Joint Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil, Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid, and NSTAR Electric Company d/b/a Eversource Energy for Approval of Revised Model Solar Massachusetts Renewable Target Program Provision.

On December 3, 2020, Fitchburg Gas and Electric Light Company d/b/a Unitil (“Unitil”), Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid (“National Grid”), and NSTAR Electric Company d/b/a Eversource Energy (“Eversource”) (collectively “Distribution Companies”) submitted to the Department of Public Utilities (“Department”) for review and approval of a joint filing (“Filing”) with revisions to the current model Solar Massachusetts Renewable Target (“SMART”) tariff (“SMART Provision”) implementing revisions to the SMART regulations and proposing other changes. The SMART regulations at 225 CMR 20.00 (“SMART Regulations”) set forth a voluntary statewide solar incentive program (“SMART Program”) to implement an Act Relative to Solar Energy, St. 2016, c. 75 (“Act”). In 2018, the Department approved the model SMART Provision. In their Filing, the Distribution Companies propose two sets of changes to be made to the SMART Provision. The Distribution Companies’ first set of changes propose revisions required to bring the SMART Provision into compliance with revisions made to the SMART Regulations at 225 CMR 20.00, which the Department of Energy Resources (“DOER”) filed with the Secretary of State on July 10, 2020. The Distribution Companies’ second set of changes to the SMART Provision propose revisions that are not explicitly required for compliance with the updated SMART Regulations. The Distribution Companies recommend that the first set of revisions be reviewed by the Department on an expedited basis on a separate procedural track. The Department has docketed this matter as D.P.U. 20-145.

As noted, the Distribution Companies state that certain proposed revisions to the SMART Provision are required to bring the tariff into compliance with revisions made to the SMART Regulations, 225 CMR 20.00, as part of the 400-megawatt (“MW”) regulatory review undertaken by DOER in 2019 pursuant to 225 CMR 20.07(5). DOER states that in its rulemaking it determined that in order to support continued growth and development of solar energy resources in the Commonwealth as required by the Act, it was necessary to increase the SMART Program’s overall MW capacity to 3,200 MW. DOER further

determined that it was necessary to increase the diversity of qualified projects, and amended the SMART Regulations to support behind the meter (“BTM”) projects and mid-size solar projects, expand eligibility for low-income customers, and balance land use impacts with increasing solar capacity. The Distribution Companies propose the following tariff revisions as required for compliance with and full implementation of the revised SMART Regulations:

- (1) Expansion of the total MW capacity supported by the SMART Program from 1,600 MW to 3,200 MW, pursuant to 225 CMR 25.05(1);
- (2) Providing additional capacity blocks for the expanded 1,600 MW of eligible capacity;
- (2) Expansion of eligibility for BTM systems for the alternative on bill credit (“AOBC”);
- (3) Incentive payment formula change for standalone projects as required by 225 CMR 20.08(1); and
- (4) Revision to the value of energy for non-net metered BTM systems, as required by the new formula established pursuant to 225 CMR 20.08(2)(b) (Filing, Exh. EDC-1, Section III).

The Distribution Companies and DOER request that this category of changes be considered by the Department on an expedited basis and on a separate procedural track from additional matters and proposed revisions in the Filing (“Phase I Revisions”). The Distribution Companies state that without approval of the Phase I Revisions addressing the introduction of BTM AOBC generation units, these types of facilities cannot proceed through the qualification process to receive SMART incentive payments of AOBCs.

If the Department were to approve the Phase I Revisions, the Department would require the Distribution Companies to file individual new compliance tariffs soon after, putting the new SMART Provision in place while the additional issues identified in the Filing are reviewed (“Phase II Revisions”) (Filing, Exh. EDC-1, Sections IV and V). The Phase II Revisions would include what the Distribution Companies describe as several clarifying revisions to the SMART Provision to more accurately describe current SMART Program implementation issues related to metering, the transfer of Renewable Energy Certificates (“RECs”), use of BTM systems as load reducers in some cases, and the method of applying the SMART Factor (Filing, Exh. EDC-1, Section IV). The Distribution Companies also are proposing revisions to the SMART Provision to allow proposals subject to Department approval for one or more community solar access programs in accordance with 225 CMR 20.06(1)(f)(4).

The Department notes that the Distribution Companies are not seeking approval of specific costs at this time and, as such, there are no estimated bill impacts available. The Department has issued this same day a written request to the Distribution Companies for

additional information regarding the Filing. For access to the Department's request to the Distribution Companies and for other documents in this docket, please see the instructions below.

On January 20, 2021, the Attorney General of the Commonwealth ("Attorney General") submitted a notice of intervention pursuant to G.L. c. 12, § 11E(a). Further, pursuant to G.L. c. 12, § 11E(b), the Attorney General filed a notice of retention of experts and consultants to assist in her investigation of the Distribution Companies' filing. The Attorney General has requested Department approval to spend up to \$150,000. Pursuant to G.L. c. 12, § 11E(b), the costs incurred by the Attorney General relative to her retention of experts and consultants may be recovered by the Distribution Companies in each company's rates.

The Department has made a preliminary determination that it is appropriate and most efficient to proceed with a phased approach to its review of the Filing. Therefore, at this time, the Department seeks comments on the proposed Phase I Revisions, including whether any such revisions are more properly considered in a second phase of this proceeding.

Due to the COVID-19 state of emergency issued by Governor Baker on March 10, 2020, and certain ongoing restrictions and safety measures relating to in-person events, the Department will conduct a virtual public hearing to receive comments on those aspects of the Filing detailed above, immediately followed by a procedural conference. The Department will conduct the hearing using Zoom videoconferencing on **February 17, 2021** beginning at 2:00 p.m. Attendees can join by entering the link, <https://zoom.us/j/99446508439>, from a computer, smartphone, or tablet. No prior software download is required. For audio-only access to the hearings, attendees can dial in at (646) 558-8656 (not toll free) and then enter the Meeting ID number, 94446508439. If you anticipate providing comments via Zoom during the public hearing, please send an email by **February 14, 2021** to krista.hawley@mass.gov with your name, email address, and mailing address.

Alternatively, any person who desires to comment on this matter may submit electronic written comments to the Department no later than the close of business (5:00 p.m.) on **February 17, 2021**. Also, any person who desires to comment on the Attorney General's notice of retention of experts and consultants must do so by submitting electronic written comments to the Department no later than the close of business (5:00 p.m.) on **February 17, 2021**. At this time, all filings will be submitted only in electronic format in recognition of the difficulty that parties and the Department may have filing and receiving original copies. Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)). However, due to the Commonwealth's state of emergency, until further notice, parties must retain the original paper version, and the Department will later determine when the paper version must be filed with the Department Secretary. Importantly, all large files submitted must be broken down

into electronic files that do not exceed 20MB. In addition, one copy of all written comments should be emailed to counsel for the Distribution Companies:

- Gary Epler, Esq., 6 Liberty Lane West, Hampton, NH 03842, counsel for Fitchburg Gas and Electric Light Company d/b/a Unitil – epler@unitil.com;
- Laura C. Bickel, Esq., 40 Sylvan Road, Waltham, MA 02451, counsel for Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid – Laura.Bickel@nationalgrid.com; and
- John K. Habib, Esq., Keegan Werlin LLP, 99 High Street, Suite 2900, Boston, MA 02110, counsel for NSTAR Electric Company d/b/a Eversource Energy – jhabib@keeganwerlin.com.

Also, one copy of written comments on the Attorney General's notice of retention of experts and consultants should be emailed to Elizabeth Mahony, Assistant Attorney General, elizabeth.l.mahony@mass.gov.

Any person who desires to participate otherwise in the evidentiary phase of this proceeding shall file a petition for leave to intervene no later than 5:00 p.m. on **February 10, 2021**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business (5:00 p.m.) on the second business day after the petition to intervene was filed.

All documents should also be submitted to the Department in **PDF format** by e-mail attachment to dpu.efiling@mass.gov and krista.hawley@mass.gov. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 20-145); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. All documents submitted in electronic format will be posted on the Department's website as soon as practicable at <http://www.mass.gov/dpu>. The e-mail must also include the name, title, and telephone number of a person to contact in the event of questions about the filing. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at DPUADACoordinator@state.ma.us.

The Distribution Companies' Filing and all subsequent related documents, pleadings and/or filings submitted to the Department and/or issued by the Department will be available on the Department's website as soon as is practicable at <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber> (enter "20-145"). A

paper copy of the filing will not be available for public viewing at the Companies' offices or the Department's office due to the state of emergency.

Any person desiring further information regarding the Filing or a paper copy of the Filing should contact Gary Epler for Unitil at (603) 773-6440; John K. Habib for Eversource at (617) 951-1400; or Laura Bickel for National Grid at (781) 907-2126. For further information regarding this Notice, please contact Krista Hawley, Hearing Officer, Department of Public Utilities, at krista.hawley@mass.gov.