**Applicability & Instructions**

Under the Massachusetts Clean Energy Standard (CES) (310 CMR 7.75), “…in determining the total CES-qualified MWh applied to each retail seller subject to 310 CMR 7.75(4) in 2018 and 2019, the Department shall not include that portion of electrical energy sales that were subject to a contract executed or extended prior to August 11, 2017, provided that the electricity was sold at a price specified in the contract and the retail seller provides the Department with satisfactory documentation of the terms of such contracts. Contracted electrical energy delivered after December 31, 2019 shall be included in the CES, regardless of the contract’s date of execution or extension.” (310 CMR 7.75(5)(d))

The regulation further states that “In order to demonstrate eligibility of electrical energy sales for exemption under 310 CMR 7.75(5)(d), retail sellers shall provide the relevant documentation by July 1st of the year after the sales occurred, along with information required in accordance with a form prescribed by the Department, including, but not limited to, the execution and expiration dates of the contracts and the actual annual volume of electric energy supplied at a contract-specified price.” (310 CMR 7.75(5)(d)2.)

For the purposes of 310 CMR 7.75, “…energy supplied at a contract-specified price” refers only to electricity provided at a **fixed total (i.e., “all-in”) price per MWh (or kWh)**, as determined in the contract.

If you intend to request that a portion of electricity sales be exempt from the CES, **please provide all information requested on this form and the Existing Contracts Workbook.** Submit an electronic copy of this signed form in Word or Adobe PDF format and the Existing Contracts Workbook in spreadsheet format to MassDEP by email to climate.strategies@mass.gov no later than July 1, 2020. Include “Demonstration of Existing Contracts” in the email’s subject line. As part of its review and eligibility determination, MassDEP may request additional information, including, but not limited to, copies or portions of relevant contracts.

The total MWh entered in column D of Table 11 in the RPS/APS/CES 2019 Compliance Workbook must match the total in Section B of this form. If you do not intend to request exemption for any portion of electricity sales, you do not need to submit this documentation.

In addition to providing the information requested in this form, please note that under 310 CMR 7.75(5)(d)1., retail sellers requesting exemption of existing contracts must have submitted their *projected annual volume* of eligible sales by December 31, 2017.

**Questions?** Contact Jordan Garfinkle of MassDEP: 617-292-5904

|  |
| --- |
| 1. **Retail Seller of Electricity**
 |
| **Legal Name** |       |   |
| **Any other names used in the retail electricity market in Massachusetts or in NEPOOL GIS** |
|  |       |   |
|  |       |   |
|  |       |   |
|  |   |   |   |   |   |   |
| **Contact Person** |
| **Name** |       |   |
| **Title** |       |   |
| **Address** |       |   |
|  |       |   |
|  |       |   |
| ***E-mail***  |       |   |
| **Phone #** |       |   |   |   |   |   |
| **FAX #** |       |   |   |   |   |   |
|  |   |   |   |   |   |   |
| **Additional/Alternative Contact Person** |   |   |   |   |   |
| **Name** |       |   |
| **Title** |       |   |
| **Address** |       |   |
|  |       |   |
|  |       |   |
| ***E-mail***  |       |   |
| **Phone #** |       |   |   |   |   |   |
| **FAX #** |       |   |   |   |   |   |
|  |   |   |   |   |   |   |
| **Authorized Representative** |   |   |   |   |   |
| **Name** |       |   |
| **Title** |       |   |
| **Address** |       |   |
|  |       |   |
|  |       |   |
| ***E-mail***  |       |   |
| **Phone #** |       |   |   |   |   |   |
| **FAX #** |       |   |   |   |   |   |

1. **Total Exemption-Eligible MWh**

|  |
| --- |
|  |
| **Exemption-eligible MWh (2019)*****including line losses*** |       |
|

1. **Confidential Business Information**

The Massachusetts Public Records Law provides generally that all records and documents submitted to the MassDEP are available to the public for review and copying. There are, however, recognized exemptions from this presumption including submissions containing trade secrets as described at <http://www.mass.gov/eea/agencies/massdep/service/approvals/requests-to-maintain-trade-secret-info-confidental.html> and 310 CMR 3.23.

Facilities that believe any information requested in the Existing Contracts Workbook is confidential business information that should be protected from disclosure should: 1) check the box below and 2) complete both of the “Existing Contracts” tabs, including the version labelled “Existing Contracts - SANITIZED.” Please note that completing the ““Existing Contracts - SANITIZED.” tab will only affect the treatment of information about individual contracts included in the “Existing Contracts" tab and will not affect the treatment of any information included in the above Sections A and B of this form.

[ ]  Please treat the “Existing Contracts” tab of the attached Existing Contracts Workbook as confidential business information that is not a public record.

MassDEP will not release for public disclosure information claimed to be confidential business information from the time it is received until a final determination is made concerning whether the information is a public record or confidential under the public records laws. A final determination would be made if MassDEP were to receive a public records request for the information. If the Department receives a public records request, you will be required to submit an application as required by 310 CMR 3.00 to show why your information qualifies for treatment as a confidential business record or trade secret.

1. **Certification Statement**

This form shall be signed by a responsible official, as defined in 310 CMR 7.00, with the authority to certify the veracity of all statements of fact therein, including all appendices and attachments. Such signature also signifies that the responsible official has read and understands the certification required pursuant to 310 CMR 7.75(9)(a).

|  |  |
| --- | --- |
| “I hereby certify, under the pains and penalties of perjury, that I have personally examined and am familiar with the information submitted herein and, based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties, both civil and criminal, for submitting false information, including possible fines and imprisonment.” |        Authorized Signature      Printed Name        Title      Date Signed (MM/DD/YYYY) |

**Source of Signatory Authority:**

 If a Corporation:

 [ ]  President

 [ ]  Secretary

 [ ]  Treasurer

[ ]  Vice President in charge of a principal business function (if authorized to bind the corporation by corporate vote)

 [ ]  Employee of the above (if authorized to bind the corporation by corporate vote)

 If a Partnership:

 [ ]  General Partner with authority to bind the Partnership

 If a Sole Proprietorship:

 [ ]  The sole proprietor

 If a Trust:

 [ ]  Trustee if authorized:

 1) to enter into contracts regarding the trust property;

 2) to bind the trust; OR

 3) to encumber or dispose of the trust property

 [ ]  Any other natural person if authorized:

 1) to enter into contracts regarding the trust property;

 2) to bind the trust; OR

 3) to encumber or dispose of the trust property

 If a Limited liability company:

 [ ]  Person authorized pursuant to M.G.L. c. 156C, § 24 and the limited liability company’s operating agreement to bind the company and all the members.