# Massachusetts Department of Environmental Protection
# 310 CMR 7.75: *Clean Energy Standard* (CES)
# Frequently Asked Questions (FAQ)
# Version 2.10 (November 2026)

The purpose of this document is to clarify and explain certain provisions of 310 CMR 7.75 *Clean Energy Standard*. Before reading this document, please review the *Clean Energy Standard* regulation and other available background information, available on MassDEP's *Clean Energy Standard* web site. If you have questions about 310 CMR 7.75, please email climate.strategies@mass.gov.

This version is an update from version 2.9, which was published in September 2026. New or revised material is marked with an asterisk.

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## Q1 – How do the CES, Clean Energy Standard for Clean Existing Generation Units (CES-E) and Renewable Portfolio Standard (RPS) interact?

A1 – The Clean Energy Standard (CES) draws on the Massachusetts Department of Energy Resources' (DOER) experience implementing the Renewable Portfolio Standard (RPS), and is designed to be compatible with and complementary to RPS. All retail sellers subject to the CES are also subject to RPS. The CES adds additional clean energy requirements above those in the RPS Class I regulations. For example, the 2018 RPS Class I standard was 13 percent and the CES requirement was 16 percent; therefore, retail sellers that were in compliance with RPS Class I had to procure an additional 3 percent of CES-eligible clean energy to comply with the CES (this may be met by procuring additional RPS Class I-eligible generation attributes above the RPS Class I requirement, through generation attributes that are eligible for CES but not RPS, or through CES Alternative Compliance Payments).

The CES and CES-E are separate and distinct requirements. The CES and CES-E require procurement of electricity from different sources; therefore, compliance towards one does not count towards compliance with the other. The CES is designed to increase procurement of new clean energy over time whereas the CES-E is intended to maintain the contribution of existing clean energy generation units going forward. In 2021 the CES and CES-E requirements combined will cover 42 percent of a supplier's eligible load. The CES is 22 percent, and the CES-E is 20 percent in that year, 22 percent of a supplier's eligible load must comply with CES and an additional 20 percent must comply with CES-E. While the CES percentage requirement increases 2 percent annually, CES-E maintains a consistent level of clean energy from existing sources by adjusting the percentage requirements to accommodate load growth over time. For a description of how the CES-E percentage is calculated, see Q7.

## Q2 – What types of clean energy can be used to comply with CES? How about with CES-E?

A2 – While the CES is similar to RPS in that it requires the delivery of clean energy, it differs from RPS in that it relies on an emissions-based performance standard to identify eligible technologies. As all RPS Class I-eligible technologies meet the emissions-based CES qualification requirement, all RPS Class I-eligible technologies can be used toward compliance with the CES. In addition to those technologies, other technologies that meet the emissions and vintage requirements, as well as energy procured under the 2016 Energy Diversity Act, are eligible for use towards CES compliance.

Please note that while RPS Class I Renewable Energy Certificates (RECs) may be used for compliance with the CES, they may not be used towards the CES-E standard. Although RPS Class I RECs from vintages after June 2025 are no longer flagged as CES-eligible in NEPOOL GIS, they may still be used for compliance with the CES (more information available here).

CES-E-qualified generation units will create CES-E certificates (ECECs), which can be used to comply with that standard.

## Q3 – What are the Alternative Compliance Payment (ACP) rates?

A3 – Each year, DOER publishes ACP rates on its website. Starting in 2022, the CES ACP rate is thirty-five dollars per megawatt-hour ($35/MWh), and the CES-E ACP rate is ten dollars per megawatt-hour ($10/MWh).

## Q4 - How do the banking provisions work?

A4 - The CES includes limited banking of clean energy certificates (CECs), including CECs from the New England Clean Energy Connect (NECEC) transmission line that are assigned to retail sellers (see Q10). Beginning in 2021, retail sellers may use CECs generated in one or both of the previous two compliance years (for example, excess CECs from 2019 and 2020 may be "banked" and used for compliance in 2021). CECs may only be banked for up to two years, and banked CECs must not exceed 30 percent of the CES compliance obligation in a given year (i.e., the portion above the RPS requirement). To determine the banking limitation in a given year, retail sellers should multiply the portion of their CES requirement that is above the RPS requirement (for example, 4 percent in 2021) by 30 percent.

RECs that have been banked pursuant to 225 CMR 14.08(2) (the Massachusetts Renewable Portfolio Standard) and used for compliance with RPS in a given year will be counted toward compliance with CES in that year. RECs from this bank may not be used toward the portion of CES that is above RPS (3 percent in 2018); in other words, using banked RECs towards RPS compliance is the only way that RECs from this bank may be used toward compliance with CES.

Banking is not allowed under the CES-E standard.

## Q5 - How does the CES address existing contracts? How about the CES-E?

A5 - In order to protect consumers from unanticipated price increases, the CES included limited exemptions of existing contracts covering electricity sales in 2018 and 2019.

Similarly, the CES-E requirement allows for grandfathering of fixed-priced contracts executed or extended prior to October 4, 2019. The total megawatt-hours (MWhs) sold under exemption-eligible contracts will be deducted from the calculation used to determine a retail seller's CES-E compliance obligation in 2021 and 2022. For example, in 2021, a retail seller whose load served was 10,000 MWhs, of which 4,000 MWhs were sold under exemption-

eligible contracts, would have to meet the CES-E obligation of 20 percent based on the non-exempt load of 6,000 MWhs.

## Q6 – What are the eligibility criteria for generators to qualify as Clean Existing Generation Units?

A6 - To qualify as a clean existing generation unit eligible for the CES-E, a generation unit must demonstrate that it:

Is located in either Massachusetts, New Hampshire, Connecticut, or Eastern Canada (Quebec or Newfoundland and Labrador); and

Commenced commercial operation before January 1, 2011; and

Is a nuclear or hydroelectric generation unit with a nameplate capacity greater than 30 megawatts (MW).

In addition, the NEPOOL-GIS system will automatically enforce the following constraints:

- The total amount of qualified energy output from any clean existing generation unit is limited to no more than 2,500,000 megawatt-hours (MWh) per year. (See 310 CMR 7.75(7)(c)1.)
- Some clean existing generation units have lower limits based on their operational history and/or past participation in other certificate programs. (See 310 CMR 7.75(7)(c)2. and column five "Max MWh/yr" in the table below).
- For generators located in Canada, eligible megawatt-hours (MWh) must be imported to Independent System Operator-New England (ISO-NE) using pre-2017 transmission capacity that directly connects the ISO-NE control area to Quebec.

The following table was last edited in July of 2021 and lists generation units that have been qualified as clean existing generation units by MassDEP. The use of asterisks in column five indicates that the number of megawatt-hours applies facility-wide and not to each generator at the facility. A facility with multiple generators is considered a single generation unit as defined in 310 CMR 7.75: *Clean Energy Standard*.

*Table 1: CES Qualified Generation Units:*

| **Column 1: Generation Unit Name** | **Column 2: NEPOOL-GIS ID** | **Column 3: Location** | **Column 4: Fuel** | **Column 5: Max MWh/yr** |
|---|---|---|---|---|
| Millstone | MSS 484<br>MSS 485 | Connecticut | nuclear | 2,500,000 * |
| Seabrook | MSS 555 | New Hampshire | nuclear | 2,500,000 |

| | | | | |
|---|---|---|---|---|
| Masson | IMP 33636<br>IMP 33637<br>IMP 33638<br>IMP 33639 | Quebec | hydro | 320,343 * |
| Dufferin | IMP 35867<br>IMP 35868 | Quebec | hydro | 67,706 * |
| High Falls | IMP 159625 | Quebec | hydro | 676,489 |
| La Gabelle | IMP 145074 | Quebec | hydro | 773,576 |
| Shawinigan-2 | IMP 161896 | Quebec | hydro | 896,149 |
| Shawinigan-3 | IMP 161897 | Quebec | hydro | 1,200,514 |
| Outardes-2 | IMP 159630 | Quebec | hydro | 2,500,000 |
| Beaumont | IMP 161887 | Quebec | hydro | 1,597,980 |
| La Trenche | IMP 161898 | Quebec | hydro | 1,821,621 |
| Churchill Falls | IMP 161751 | Newfoundland and Labrador | hydro | 2,362,000 |
| Hadley Falls 1&2 | MSS769 | Massachusetts | hydro | 8,234 |

## Q7 – How is the CES-E standard calculated for 2023-2050?

A7 - Beginning in 2023, the regulation allows for adjustments to the percentage standard if load increases or decreases significantly from 2018 levels and is based on load four years prior to a given compliance year. The example in the text of the regulation shows that a 5 percent change in load in a given year results in a 1 percent change in the CES-E standard four years later.

From 310 CMR 7.75(4)(b). "…For calendar years 2023 through 2050, percentage requirements for clean existing generation attributes shall be determined by dividing 25percent by the percentage provided by the Department pursuant to 310 CMR 7.75(9)(b)4. for the year four years before the calendar year for which the percentage requirement applies, rounded to the nearest percent (i.e., if the percentage provided pursuant to 310 CMR 7.75(9)(b)4. for 2026 is 105 percent, then the percentage requirement for clean existing generation attributes in 2030 would be 25 percent divided by (÷)105 percent equals (=) 24 percent)."

MassDEP intends to coordinate publication of the Annual Clean Energy Resource Report, including total annual electricity sales, with DOER. Annual electricity sales are also published on the DOER website during the following compliance year (i.e. 2019 load was published in mid-2020), under Compliance Year Load Obligations.

Based on this information, MassDEP calculated that the 2023 CES-E requirement will be 26 percent:

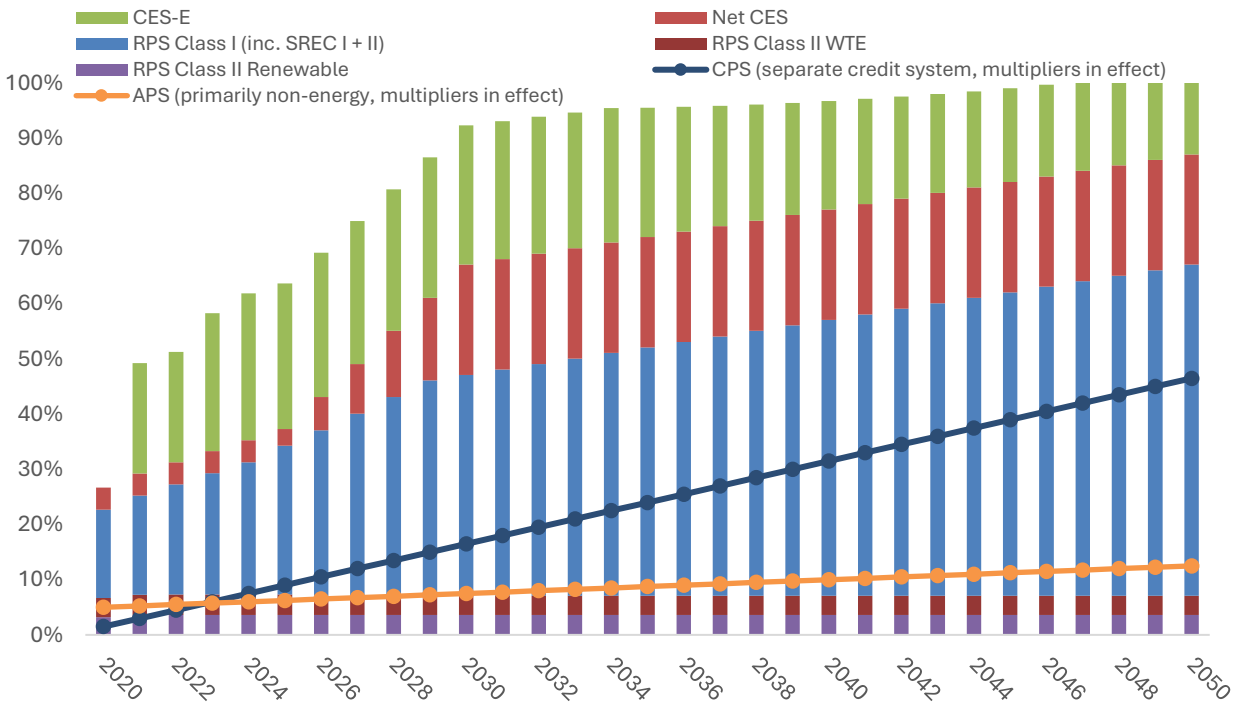
44,705,754 (2019 load) divided by (÷) 46,448,304 (2018 load) equals (=) 96.2percent

25 percent divided by (÷) 96.2 percent equals (=) **26 percent**

## Q8 – What is the combined effect of the CES and CES-E?

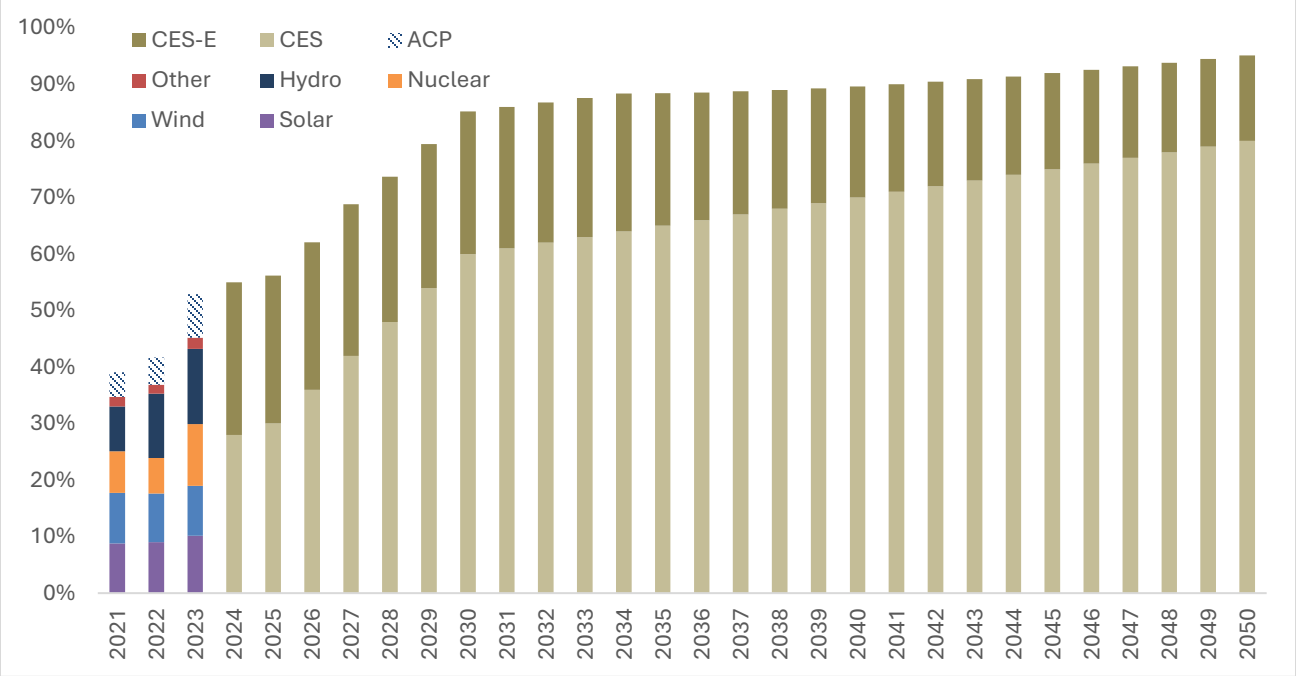
A8 - The first figure below shows the various standards applicable to retail sellers of electricity in Massachusetts (except for municipal electric light plants). The combined effect of the standards is projected to reach approximately 90 percent of retail electricity sales in 2030 and approach 100 percent in 2050. The second figure shows only the mix of resources used to meet the CES and CES-E standards. This figure does not capture all of the clean energy used in Massachusetts because it does not include 1) clean energy retired by municipal electric light plants, 2) voluntary clean energy retirements above the CES and CES-E requirements, or 3) energy from clean resources that are not included in the CES and CES-E, such as RPS Class II Renewable resources. MassDEP intends to update this figure annually.

Figure 1: Combined MA Standards as Percent of Projected Retail Electricity Sales




Note: The CES-E percentage over time has been estimated assuming that retail load grows following the trajectory set out in the 'All Options' pathway in the *Energy Pathways to Deep Decarbonization* report.

Figure 2: Clean energy used for compliance with CES and CES-E




Note: The combined CES and CES-E requirement for 2021 was 42 percent, however, the resources shown in the figure above add up to 39 percent of 2021 retail load because of exempt load under the CES-E lowering the obligation for retail electricity suppliers with pre-existing contracts and because of non-compliance. These same factors explain why the resources shown in the figure add up to 42 percent for 2022 rather than the combined CES and CES-E requirement of 48 percent for 2022. See the Annual Compliance Reports for more details on past non-compliance. The CES-E percentage over time has been calculated assuming that retail load grows following the trajectory set out in the 'All Options' pathway in the *Energy Pathways to Deep Decarbonization* report.

## Q9 – How much CES and CES-E compliance is met with ACPs?

A9 - The table below summarizes how much CES and CES-E compliance has been through CECs and how much has been through ACPs. All values are in MWh and are based on the information contained in the annual compliance filings submitted pursuant to 310 CMR 7.75(6).

*Table 2: Summary of CES and CES-E Compliance*

| Column 1: Compliance Year | Column 2: CES CECs* | Column 3: CES ACP Credits | Column 4: CES-E ECECs | Column 5: CES-E ACP Credits |
|---|---|---|---|---|
| 2021 | 7,937,577 | 1,730,094 | 6,295,220 | 90,738 |
| 2022 | 8,815,880 | 1,856,301 | 7,543,622 | 20,368 |
| 2023 | 9,461,777 | 1,791,897 | 10,100,185 | 1,153,489 |
| 2024 | 10,582,677 | 1,797,475 | 8,168,559 | 3,770,202 |

* Column two includes compliance towards RPS Class I and does not differentiate between RPS Class I compliance via RECs and ACPs made to DOER.

See Q1 for a description of how the CES and RPS Class I requirements work together, Q3 for information about ACP rates, and Q8 for additional information about resources used to meet the CES and CES-E requirements.

## *Q10 – How will the CES account for clean energy from the New England Clean Energy Connect (NECEC) transmission line?

A10 – MassDEP will assign clean generation attributes from NECEC retained by electric distribution companies (pursuant to St. 2008, c. 169, § 83D(h), as inserted by St. 2016, c. 188, § 12.) to each retail seller's customers in proportion to that retail seller's share of the total CES-subject retail electricity product sold statewide. The assignment of these attributes will occur through the normal annual compliance process (i.e., the preparation and submission of the annual compliance workbook to DOER). Effectively, this will lower each retail seller's CES compliance obligation (not the separate CES-E requirement).

The quantity of clean generation attributes that must be delivered annually under these contracts is 9,450,000 MWh, which is equal to more than 20% of the total retail electricity product sold statewide in recent years. For comparison, the incremental (i.e., above RPS) CES compliance obligations for 2026 – 2029 are 6%, 9%, 12%, and 15%. Therefore, when combined with RPS compliance, the amount of NECEC clean generation attributes assigned to retail sellers is projected to fully satisfy all CES compliance obligations for the next several years without the need for attribute purchases or CES alternative compliance payments by retail sellers. Retail sellers should take this into account when entering into supply contracts with end-use customers.

Table 3, below, shows the actual monthly volume of clean generation attributes from NECEC registered as forward certificate transfers under the terms of the contracts, as reported to MassDEP under an agreement with the parties to the contracts. Note these numbers are

preliminary pending minting of the certificates in NEPOOL-GIS, and Table 3 will be updated periodically. For comparison, if the amount of retail electricity product sold in 2026 were to exactly equal 2023 sales, the total number of NECEC attributes required to fully satisfy all 2026 CES compliance obligations would be 2,597,080.

*Table 3: Clean generation attributes from NECEC*

| Column 1: Year | Column 2: Month | Column 3: CECs |
|---|---|---|
| 2026 | January | 319,108 |
| 2026 | February | 722,597 |
| 2026 | March | 799,768 |
| 2026 | April | 493,688 |
| 2026 | May | 632,244 |
| 2026 | June | 572,228 |
| 2026 | July | 810,377 |
| 2026 | August | 640,851 |
| 2026 | September | 784,800 |
| 2026 | October | 810,960 |
| **Total** | | **6,560,462** |

As shown in table 3, the clean generation attributes from NECEC will fully cover the incremental CES obligation for 2026. Consequently, retail sellers will not need to purchase attributes or make alternative compliance payments for compliance year 2026 (other than for the CES-E requirement).

Banking of excess clean generation attributes from NECEC will be handled in the same manner and subject to the same procedures as banking of other attributes for CES compliance (i.e., excess attributes will be reflected in the annual compliance workbooks and DOER will notify each retail seller of the amount of banked certificates available for use each year before the annual compliance deadline). As an example, if a retail seller has an incremental CES obligation of 10,000 and is assigned 15,000 attributes from NECEC, that retail seller could bank 3,000 attributes for use in the next two compliance years. See Q4 for additional information on banking. Note that the remaining 2,000 attributes assigned to this retail seller would not be usable for compliance by any retail seller in any compliance year.

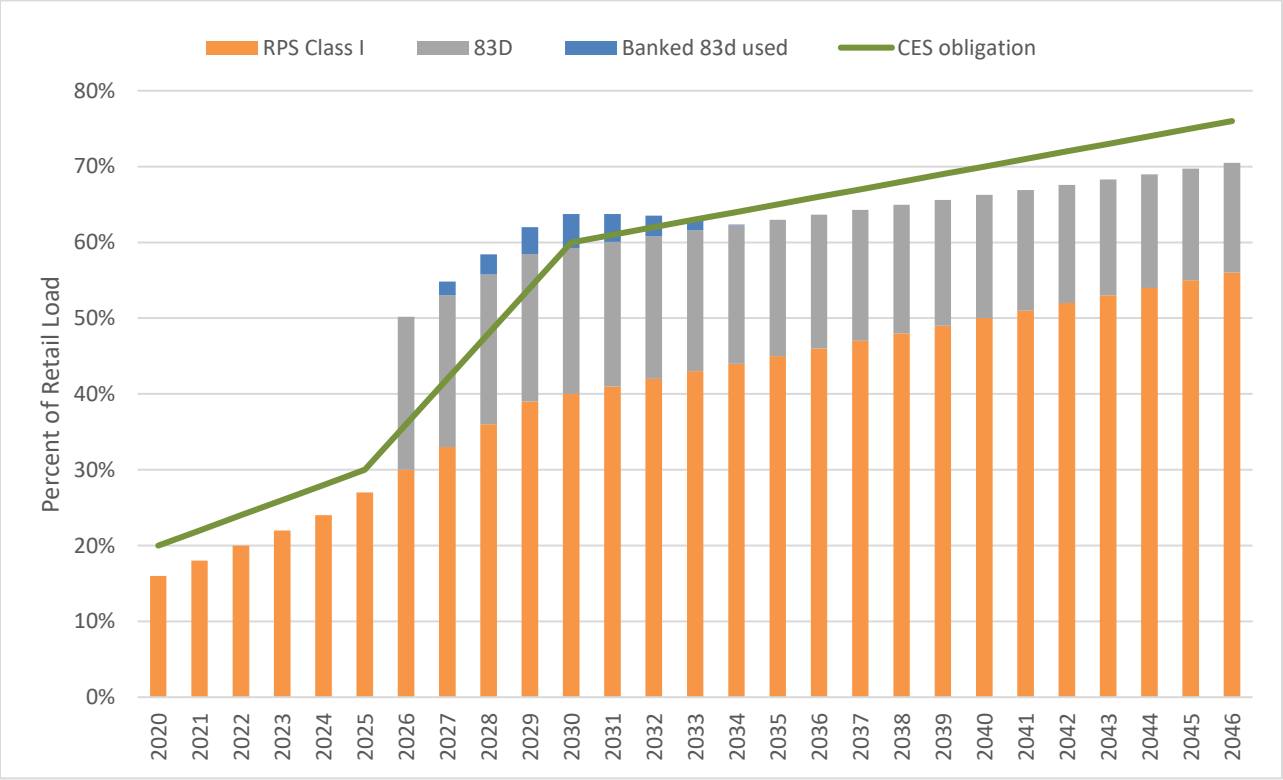
## Q11 – How long will the clean generation attributes from NECEC meet the full incremental CES obligation?

A variety of factors will influence the number of years that retail sellers will be assigned enough clean generation attributes from NECEC to fully cover their incremental CES

obligation. The analysis below is intended to provide an example of some of the considerations retail sellers may wish to take into account when evaluating their future CES compliance obligations. It relies on a series of assumptions about load growth, delivery of power and clean generation attributes, and RPS Class I stringency. In turn, these assumptions are influenced by external factors such as the weather and electricity demand in other regions. Consequently, retail sellers should consider the information presented in this FAQ as a hypothetical example, not a determination from MassDEP on when additional CES-eligible attributes will be needed. MassDEP intends to update this analysis periodically and a spreadsheet of the calculations is available upon request.

Assuming retail load in MA grows in line with the ISO NE 2026 gross load forecast, the clean generation attributes from NECEC would meet the entirety of the incremental CES obligation until 2029 and, with banking, this could extend out through 2033. Note that in addition to assumptions about load growth, this estimate assumes that the full 9,450,000 MWh are delivered each year and that there are no legislated changes to RPS Class I stringency. Figure 3 below shows this estimate of how the clean generation attributes from NECEC would impact the statewide CES compliance obligation under these assumptions.

Figure 3: Potential impact of clean generation attributes from NECEC on CES compliance obligation



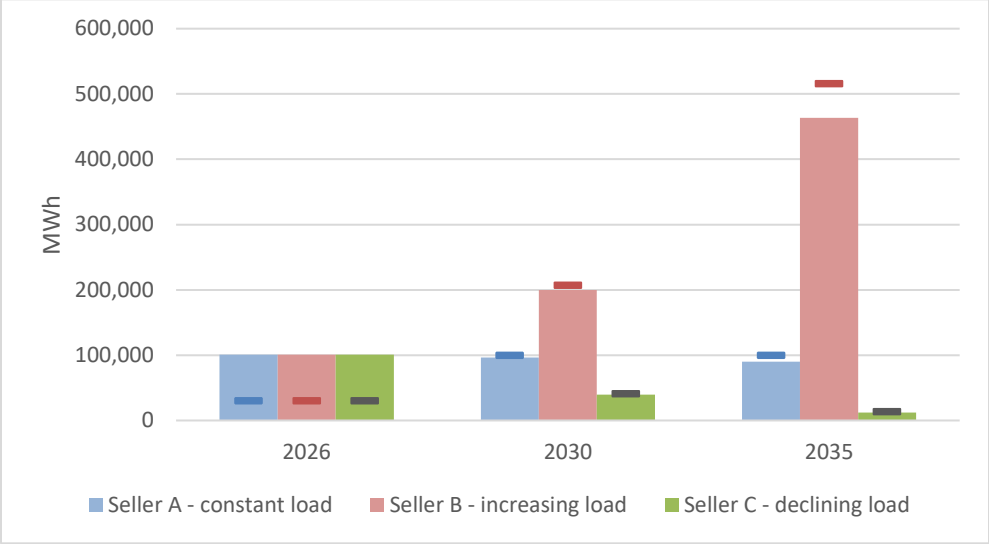
Under the same assumptions about load and RPS Class I stringency, even if NECEC only delivered 75% of the anticipated 9,450,000 MWh (i.e., 7,087,500 MWh) each year, the associated attributes would cover the full incremental CES obligation through 2028 and would fall short by less than 200,000 MWh state-wide for 2029.

Individual retail sellers will face distinct scenarios depending on their own banking decisions and changes in load each year. MassDEP has prepared several examples to demonstrate how different retail sellers could use the attributes assigned to them in the early 2030s when the incremental CES obligation begins to overtake the volume of clean generation attributes expected from NECEC. MassDEP has assumed that retail sellers will use their banked attributes before using the attributes assigned to them each year and that they will bank the maximum amount of attributes possible. Note that banked attributes cannot be traded among retail sellers.

Under the assumptions depicted in Figure 3 above, an individual retail seller with a stable load would not need to procure additional attributes or make alternative compliance payments for their incremental CES obligation until 2034, consistent with the statewide analysis. However, a retail seller with a growing load would have less opportunities for banking in early years and would therefore need to begin procuring additional attributes or making alternative compliance payments sooner. Conversely, a retail seller with a shrinking load could potentially meet their full incremental CES obligation using attributes from NECEC for much longer.

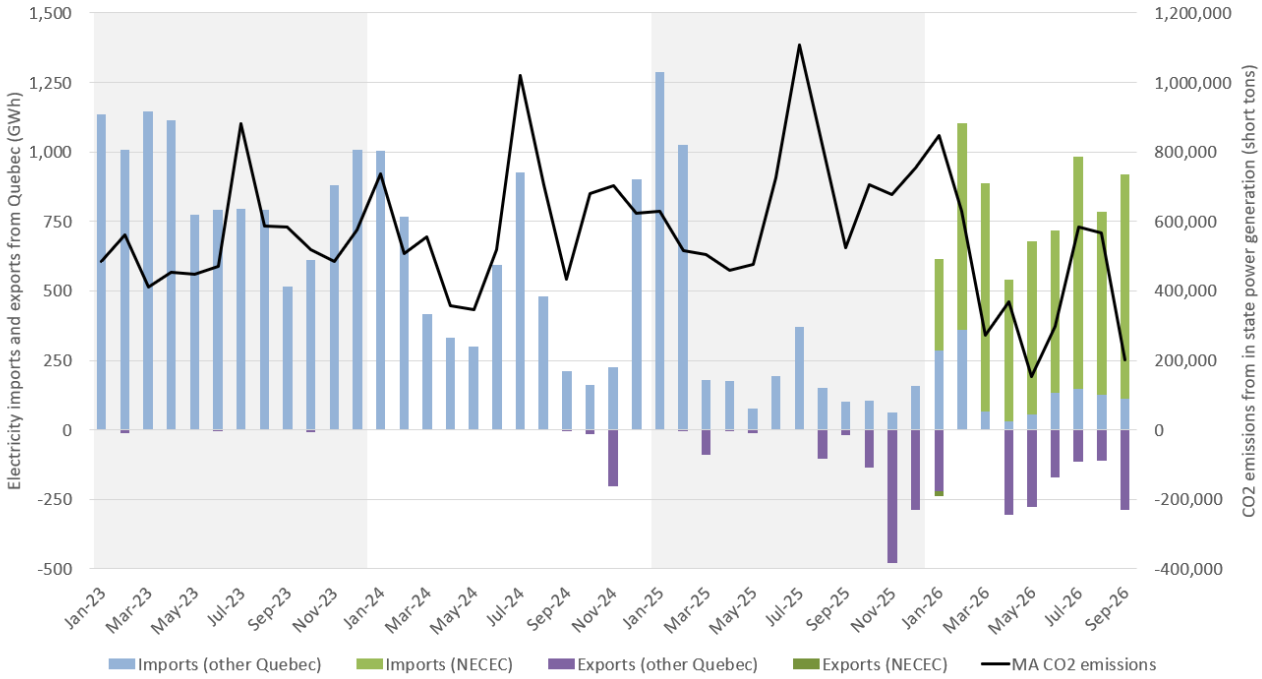
Figure 4 shows the clean generation attributes assigned and the respective incremental CES obligations in 2026, 2030 and 2035 for three hypothetical retail sellers. Retail Seller A has a stable load of 500,000 MWh per year, Retail Seller B's load increases by 20% each year from 500,000 MWh in 2026 to 2,579,890 in 2035, and Retail Seller C's load decreases by 20% each year from 500,000 MWh in 2026 to 67,109 in 2035. A spreadsheet of these example calculations is available on request. Retail sellers should take this into account when entering into supply contracts with end-use customers.

Figure 4: Incremental CES obligation (horizontal lines) and assigned clean generation attributes (vertical bars) for example retail sellers




## *Q12 – How do 310 CMR 7.74 and 7.75 work together to reduce emissions in Massachusetts?

Figure 5: Electricity Flow between New England and Quebec and GHG Emissions from MA Power Plants



This figure shows changes in electricity flows between New England and Quebec, along with emissions from power plants located in Massachusetts and regulated under MassDEP's regulation 310 CMR 7.74. The first half of 2026 saw new imports (green bars) and record low emissions (black line). This pattern is consistent with the purpose of 310 CMR 7.74, which is to ensure that new clean energy reduces emissions in Massachusetts. MassDEP's clean energy standard regulation also includes a modest incentive under the "CES-E" to maintain imports through pre-NECEC transmission (blue bars) and thereby support incremental emission reductions from power plants located in Massachusetts. As explained in a 2018 Massachusetts Supreme Judicial Court decision on 310 CMR 7.74: "the Cap Regulation's impact cannot be analyzed in a vacuum. Indeed, it was promulgated in concert with the 7.75 CES Regulation, and the two rules were expressly designed to work together to maximize the reduction of greenhouse gas emissions."