



Engineering & Utilities

July 26, 2019

Massachusetts Department of Energy Resources
Attn: John Wassam
100 Cambridge Street, Suite 1020
Boston, MA 02114

--- submitted electronically via doer.rps@mass.gov ---

Re: RPS Class I and RPS Class II Rulemaking - 225 CMR 14.00 and 225 CMR 15.00 Comments

Dear Mr. Wassam:

Thank you for the opportunity to provide feedback Proposed Draft Changes to RPS Class I, RPS Class II regulations. As a large end user of electricity, a licensed competitive self-supplier in Massachusetts, and an organization with strong commitments to clean energy the RPS and APS programs have many impacts on Harvard University.

Many of the proposed changes to the RPS would weaken the state energy standards that have been an essential driver of the development of clean renewable energy resources in the Commonwealth and New England.

1. General Eligibility Criteria

NO, the DOER should not eliminate capacity commitment obligation requirements that require non-intermittent units to also make a commitment of their capacity in the New England wholesale market. The Green Communities Act requires that non-intermittent, importing units make a commitment to the ISO-NE's forward capacity market in order to be RPS eligible and removal of those provisions as proposed by DOER is in conflict that statutory requirements. In light of the controversy surrounding the importation of a large volume of hydro energy into the region to meet the MA 83D statute, removing this requirement raises significant concerns as to the consequences it might have on the Clean Energy Standard and future clean energy procurements.

2. Woody Biomass

NO, the DOER should not eliminate the existing woody biomass definitions nor make changes to the lifecycle greenhouse gas emissions reduction calculation, overall efficiency requirements, and fuel sourcing requirements associated with woody biomass. The changes proposed would reduce or completely eliminate the core requirements of the original 2012 RPS rules, the first in the nation and the world to recognize that burning wood for energy can increase greenhouse gas emissions. The existing rules were founded on strong science and developed through a comprehensive stakeholder process.

3. Small Hydroelectric

NO, the DOER should not eliminate the requirement that small hydroelectric facilities must renew their Low Impact Hydropower Institute certification in order to remain RPS qualified. Removing the requirement for recertification would effectively undermine a project operator's motivation to



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comply with certification conditions in a timely manner. A qualified project would effectively receive a lifetime qualification regardless of any environmental changes or scientific and technological advances that would prompt updated conditions to minimize and avoid impacts to river systems.

4. RPS Class I Solar Carve-out ("SREC I") Renewable Generation Units

NO, the DOER should not change the regulations such that SREC I facilities would not continue to generate SRECs after the first 40 quarters in which they are eligible. The proposed changes would be a substantive modification of the SREC I program rules. If enacted, these changes will harm many SREC I solar system owners and erode investor and lender confidence in the Massachusetts solar market. It runs counter to the plain language of the regulations and DOER's own interpretation of the SREC I program rules, as evidenced by written materials produced by DOER staff in the years since the SREC I program took effect. This includes we DOER's own interpretation of the regulations provided in presentations, Q&As, webinars, and other written materials.

5. Import Generation Units

NO, the DOER should not eliminate any of the requirements for generators outside of ISO-NE related to certificate tracking and requiring off-taker contracts with entities within the region. Eliminating Section 225 CMR 14.05(5)(a) creates significant concerns and weakens REC market integrity. That regulation requires that imported attributes be accompanied by energy deliveries under contracts supported by transmission rights and fully documented settlement in the New England energy market. This is a necessity when those imports are generated in an adjacent control area without an attribute tracking system equivalent to and compatible with the NEPOOL GIS. This requirement ensures a level playing field between generations within and outside the New England Control and that the attributes associated with all imported RECs used for compliance with the MA RPS cannot be counted elsewhere. The proposed changes would also put the RPS in conflict with the Green Communities Act requirements and the MassDEP Clean Energy Standard requirements.

6. Compliance Procedures for Retail Electricity Suppliers, Financial Security Posting

The DOER should evaluate changing the expiration date and the banking limits for RECs or AECs in years that a supplier defaults in addition to the proposed rule changes that would require competitive retail electricity suppliers to post financial security to be collected by DOER in the event of non-compliance. It is unclear if a financial security requirement not in excess of \$1,000,000 will provide sufficient funds to cover the damages caused by a competitive retail electricity supplier with an estimated gross receipts over \$5,000,000 defaulting on their RPS obligation. No supporting calculations were provided by the DOER indicating that the increased costs to carry a Financial security instrument will be outweighed by the benefits based on historical participation in the RPS program. If the increase in cost for each supplier to carry financial assurances exceeds the anticipated annualized damages from a supplier defaulting, it is unclear if this proposed change would provide sufficient benefits to warrant the costs.

RPS Class II

7. Increase RPS Class II Waste-to-Energy (WTE) Minimum Standard

NO, the DOER should not increase the RPS Class II Waste-to-Energy Minimum Standard from 3.5% to 3.7%. Burning solid waste is an inefficient means to produce electricity, produces significant amounts of GHG, Criteria Pollutant and Hazardous Air Pollutant emissions, as well as incinerator ash



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containing heavy metals, furans, and dioxin each year. A growing body of research indicates residents near incinerators suffer increased rates of disease and shorter life expectancy. The RPS should not be adjusted to prop up and extend the operation of aging incineration facilities, nor should it be used to facilitate the development of new trash-burning plants, at the expense of the health and lives of residents of the Commonwealth. Any changes to the WTE RPS program should be made after the 2020-2030 Solid Waste Master Plan is adopted.

8. Increase Class II Waste-to-Energy ACP Rate

NO, the DOER should not increase the RPS Class II Waste-to-Energy ACP rate beginning in 2019. In this RPS category, where no new facilities are coming on line, increasing the ACP is simply an action that directs more money to existing generators without any benefit to the people of Massachusetts. Increasing the ACP rates also poses additional and unnecessary barriers to electricity suppliers wishing to voluntarily make ACP payments in lieu of having WTE certificates assigned to their supplier account under MassDEP's 310 CMR 7.75(4)b reporting program (where WTE is assigned an average emission intensity of ~7600 lbs CO₂/MWh).

Please contact me at (617) 496-7225 or at michael_macrae@harvard.edu if you have any questions. Supporting citations available on request.

Sincerely,

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