

July 26, 2019

Commissioner Judith Judson
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Dear Commissioner Judson:

Thank you for the opportunity to submit public comments regarding the proposed changes to the Commonwealth's Renewable Energy Portfolio Standard ("RPS") regulation, 225 CMR 14.00. There are a number of changes proposed in the draft regulation and commenters have provided the Department of Energy Resources ("DOER") with many thoughtful comments covering a range of issues from the attribute generated by generation units qualified under the Solar Carve-Out Program of the RPS to changes in the requirements for biomass-fueled facilities.

We submit these brief comments to address a very technical issue under the Solar Carve-Out II Program ("SREC II Program"). As you aware, generation units qualified under the SREC II Program receive an SREC Factor based on the eligibility criteria established under 225 CMR 14.05(9)(1)(2). The next subsection of the regulation, 225 CMR 14.05(9)(1)(3), reads:

The SREC Factor assigned to a Unit in its Statement of Qualification shall remain its SREC Factor for its entire term it is eligible to generate Solar Carve-out II Renewable Generation Attributes subject to the limitations in 225 CMR 14.05(9)(1)4.

While this section serves a positive, practical purpose to provide the necessary certainty to owners of SREC II generation units with respect to their SREC Factor and therefore the estimated SREC IIs created by the generation unit, it is potentially unduly restrictive in unique circumstances that may require a change in SREC Factor.

For example, a ground mounted 600 kW facility that has an SREC Factor of 1.0 based on allocation of 100% of its net metering credits to low-income housing. For some

unanticipated reason the low-income housing offtaker terminates the credit agreement after 30 quarters and the owner of the SREC II generation unit cannot find a new low-income housing offtaker for the credits. In this instance while the generation unit is unable to maintain to maintain its 1.0 SREC Factor if the owner cannot find another low-income housing offtaker, the facility would otherwise be eligible for a 0.8 SREC Factor as a ground mounted generation unit 650 kW or less. Under the regulation, it does not appear that DOER has the discretion to adjust the SREC Factor in such a situation.

We would recommend that, at the request of the owner of the SREC II generation unit, DOER should have such discretion to adjust the SREC Factor accordingly, in this case from 1.0 to 0.8 based on the generation unit meeting the appropriate eligibility criteria.

Therefore, we would propose adding the following sentence to 225 CMR 14.05(9)(1)(3):

At the request of the Owner of the Generation Unit, DOER may adjust the SREC Factor based on information provided by the Owner to DOER establishing a change in eligibility under 225 CMR 14.05(9)(1)(2).

Thank you again for the opportunity to submit these comments.

Sincerely,



Courtney Feeley Karp, Esq.