

Kaitlin Kelly
Manager, Solar Programs
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Commissioner Patrick Woodcock
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

June 1, 2020

Dear Ms. Kelly & Commissioner Woodcock:

CEC has been active in developing and building Community Solar Projects in Massachusetts since 2013 (including the Commonwealth's very first two Community Solar projects), and has developed more than 50 projects under the SREC I, SREC II and SMART programs from our office in Auburn, MA.

CEC appreciates the opportunity to provide our perspective on DOER's Emergency Regulations and provides these brief written comments in support of our testimony at the Department's May 22, 2020 Public Hearing and of the comments filed by the Joint Parties (SEIA, CCSA, NECEC, MassSolar, SEBANE & Vote Solar).

Use of BioMap2 in SMART Regulations

As several commenters have pointed out (and as every BioMap2 Town Report states) "BioMap2 is a planning tool with no regulatory function" and as a result, DOER should not utilize the GIS layers contained in the tool for land use regulations within SMART.

DOER has at its disposal regulatory layers and tools in the form of NHESP layers and Wetlands Protection Act regulations. CEC believes that these already-existing programs are best-in-class and are already protecting the Commonwealth's valuable Natural Capital.

CEC urges DOER to remove BioMap2 layers from the SMART program and to convene a permanent stakeholder group to discuss issues and/or potential improvements to land use regulations including a recognition of the important Ecosystem Services well-sited and maintained solar arrays can provide beyond Pollination.

Requiring Approved Permits for Project Grandfathering Protections

Solar development is not uniform, and regulations should not presuppose a particular order of activity for projects, nor should they ignore the oftentimes substantial development activity that is

oftentimes undertaken prior to obtaining approved permits. DOER's Guidelines document describes a Transition Project Exception (TPE) with a limited exception containing two required criteria:

Criteria #1: An applicant must demonstrate it had a sufficient interest in real estate or other contractual right to construct the STGU and all necessary governmental permits and approvals prior to the Publication Date.

Criteria #2: For those projects that meet Criteria #1, the applicant must also demonstrate that it received an executed Interconnection Service Agreement within six months of the Publication Date.

These criteria seem to assume that developers universally complete their local permitting process prior to the issuance of their ISA, when in fact there are a number of different approaches. This is especially relevant in Massachusetts due to the high percentage of projects caught up in various Group and Cluster Study delays beyond the developer or the town's control. Many mature projects have opted to delay the local permitting process pending the results of those studies.

CEC believes that projects with site control demonstrates sufficient interest and urges DOER to strike "and all necessary governmental permits and approvals" from Criteria #1 under Section b of the Transition Project Exception in the Guideline Regarding Land Use, Siting and Project Segmentation.

Ensuring an Updated and Accurate View of Projects' Size in the Queue

CEC believes the current "roster" of SoQs issued under SMART is significantly over-stated in terms of total MWs. It is in the developer's best interest to submit their project and obtain their SoQ for any project, even if it has questionable economics due to high interconnection costs. Quite often, after a project receives its ISA and submits for its SoQ in SMART the project will be continuing to work with the utility regarding the details of the interconnection upgrades required.

For a variety of reasons, as this work unfolds there are times when it is determined that if a project reduces its size to a certain level, it can receive an interconnection cost that is viable, and/or preferable, for the project. As such, there are projects currently holding SoQs (for example) at 4 MW, that are actually now at 3 MW or less.

Given the limited capacity in the NGrid and Eversource West zones, and the scarcity and value of each spot in each SMART Block, we recommend that DOER consider several actions, including:

- *Enforce the requirements set forth in 225 CMR 20.06 - Paragraph (6), which states that, "The Owner or Authorized Agent of a Solar Tariff Generation Unit shall notify the Solar Program Administrator of any changes in the ownership, capacity, or contact information for the Solar Tariff Generation Unit. The Owner or Authorized Agent shall submit the notification to the Solar Program Administrator no later than five days following the end of the month during which such changes were implemented". We suggest a reminder containing this language be sent to all current SoQ holders.*

- *Clarify this requirement to specifically state that any changes made to the system Capacity that are filed with and accepted by the utility must in turn be submitted to the Program Administrator in accordance with the above Paragraph 6.*
- *Consider having the utilities provide a monthly report to DOER that lists any Final Capacity changes made to projects AFTER the ISA is fully executed. This could be provided to the Program Administrator in order to audit projects to confirm that the capacities being held in SoQs are accurate.*
- *DOER should publish how it will move existing projects up the Blocks as projects downsize or cancel their SoQs, awarding freed-up capacity to wait-listed projects*

CEC again thanks DOER for your consideration and looks forward to participating in the ongoing development of an effective regulatory framework which will enable Massachusetts to achieve its ambitious climate goals.

Sincerely,



Ed Brolin
Vice President - Policy