

225 CMR 20.00: SOLAR MASSACHUSETTS RENEWABLE TARGET (SMART) PROGRAM

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20.01 : Purpose and Application

The purpose of 225 CMR 20.00 is to establish a statewide solar incentive program to encourage the continued use and development of generating units that use solar photovoltaic technology by residential, commercial, governmental and industrial electricity customers throughout the Commonwealth. The continued use and development of these generating units has the potential to reduce peak demand, system losses, the need for investment in new infrastructure, and distribution congestion; increase grid reliability; improve public health and safety; and diversify the Commonwealth's energy supply. Further, it will also contribute to the Commonwealth's environmental protection goals concerning air emissions including, but not limited to, those required by the *Global Warming Solutions Act*, M.G.L. c. 21N, §§ 1-9, by displacing non-renewable generating resources. Owners of generating units that choose to participate in the statewide solar incentive program pursuant to 225 CMR 20.00 do so on a voluntary basis, but must comply with the terms and requirements of 225 CMR 20.00. Nothing in 225 CMR 20.00 should be read as requiring Owners of generating units to participate in this statewide solar incentive program.

20.02 : Definitions

Agricultural Solar Tariff Generation Unit. A Solar Tariff Generation Unit located on Land in Agricultural Use or Important Agricultural Farmland that allows the continued use of the land for agriculture.

Alternative On-Bill Credit Generation Unit. A Standalone Solar Tariff Generation Unit that is enrolled under a tariff establishing a bill credit for generation from Solar Tariff Generation Units that is approved by the DPU, but is not a tariff approved pursuant to 220 CMR 8.00: *Sales of Electricity by Qualifying Facilities and On-site Generating Facilities to Distribution Companies, and Sales of Electricity by Distribution Companies to Qualifying Facilities and On-site Generating Facilities* or 220 CMR 18.00: *Net Metering*.

Authorized Agent. A person or entity that serves under an agreement entered into by each of the Owners of a Solar Tariff Generation Unit for all dealings with the Department.

Base Compensation Rate. The portion of a Solar Tariff Generation Unit's compensation rate related to the Generation Unit's rated alternating current capacity, prescribed in 225 CMR 20.07(3).

Behind-the-Meter Solar Tariff Generation Unit. A Solar Tariff Generation Unit that serves On-site Load other than parasitic or station load utilized to operate the Generation Unit and that receives compensation under 220 CMR 8.00: *Sales of Electricity by Qualifying Facilities and On-site Generating Facilities to Distribution Companies, and Sales of Electricity by Distribution Companies to Qualifying Facilities and On-site Generating Facilities* or 220 CMR 18.00: *Net Metering*, or under the model SMART Tariff established pursuant to D.P.U. 17-140.

Brownfield. A disposal site that has received a release tracking number from MassDEP pursuant to 310 CMR 40.0000: *Massachusetts Contingency Plan*, the redevelopment or reuse of which is hindered by the presence of oil or hazardous materials, as determined by the Department, in consultation with MassDEP. For the purposes of 225 CMR 20.02: *Brownfield*, the terms "disposal site," "release tracking number," "oil," and "hazardous materials" shall have the meanings giving to such terms in 310 CMR 40.0006: *Terminology, Definitions and Acronyms*. No disposal site that otherwise meets the requirements of 225 CMR 20.02: *Brownfield* shall be excluded from consideration as a Brownfield because its cleanup is also regulated by the *Comprehensive Environmental Response, Compensation and Liability Act*, 42 U.S.C. §§ 9601-9675, the *Resource Conservation and Recovery Act*, 42 U.S.C. §§ 6921 - 6939g, or any other federal program.

Building Mounted Solar Tariff Generation Unit. A Solar Tariff Generation Unit with 100% of the nameplate capacity of the solar photovoltaic modules used for generating power installed on a building.

Business Day. Means Monday through Friday, exclusive of state and federal legal holidays.

Canopy Solar Tariff Generation Unit. A Solar Tariff Generation Unit with 100% of the nameplate capacity of the solar photovoltaic modules used for generating power installed on top of a parking surface, pedestrian walkway, or canal in a manner that maintains the function of the area beneath the canopy.

Capacity Block. A quantity of Solar Tariff Generation Unit capacity that is entitled to receive a particular set of Base Compensation Rates and Compensation Rate Adders within a Distribution Company's service territory.

Commercial Operation Date. The date on which a Distribution Company grants approval for a Solar Tariff Generation Unit to interconnect with the electric grid.

Community Shared Solar Tariff Generation Unit. A Solar Tariff Generation Unit that provides electricity or bill credits to three or more Customers of Record. No more than two participants may receive bill credits in excess of those produced annually by 25 kW of nameplate AC capacity, and the combined share of said participants' capacity shall not exceed 50% of the total capacity of the Generation Unit, except in the case of Generation Units smaller than 100 kW AC.

Compensation Rate Adder. An adder to a Solar Tariff Generation Unit's Base Compensation Rate established pursuant to 225 CMR 20.07(4).

Core Habitat. Key areas that are critical for the long-term persistence of rare species and other species of conservation concern, as well as a wide diversity of natural communities and intact ecosystems across the Commonwealth, as identified by the Massachusetts Division of Fisheries and Wildlife BioMap2 framework within the Natural Heritage and Endangered Species Program.

Critical Natural Landscape. Areas including large natural landscape blocks and buffering uplands around coastal, wetland and aquatic Core Habitats to help ensure their long-term integrity, as identified by the Massachusetts Division of Fisheries and Wildlife BioMap2 framework within the Natural Heritage and Endangered Species Program.

Customer of Record. An eligible customer with the distribution company whose name appears on a Distribution Company billing account of a meter connected to or receiving bill credits from a Solar Tariff Generation Unit.

Department. The Massachusetts Department of Energy Resources, established by M.G.L. c. 25A.

Distribution Company. A company engaging in the distribution of electricity or owning, operating or controlling distribution facilities as defined in M.G.L. c. 164, § 1; provided, however, a Distribution Company shall not include a municipal utility established pursuant to the provisions of M.G.L. c. 164.

DPU. The Massachusetts Department of Public Utilities established by M.G.L. c. 25, § 1.

Eligible Landfill. A landfill that has received an approval from MassDEP for the use of a solar photovoltaic Generation Unit at the landfill as a post-closure use pursuant to 310 CMR 19.143: *Post-closure Use of Landfills*.

End-use Customer. A person or entity in Massachusetts that purchases electrical energy from a Distribution Company.

Energy Storage System. A commercially available technology that is capable of absorbing energy, storing it for a period of time and thereafter dispatching the energy.

Environmental Attribute. All GIS Certificates and any other environmental benefits associated with the energy generation of a Solar Tariff Generation Unit.

Floating Solar Tariff Generating Unit. A Solar Tariff Generation Unit located on a body of water that is currently, or was formerly, used for water treatment, agricultural or industrial activities, and that allows for the continued use of the water body for its intended purpose.

Generation Attribute. Means a Generation Attribute, as defined in 225 CMR 14.02: *Definitions*.

Generation Unit. Means a Generation Unit, as defined in 225 CMR 14.02: *Definitions*.

GIS Certificate. An electronic record produced by the NEPOOL GIS that identifies Generation Attributes of each MWh accounted for in the NEPOOL GIS.

Greenfield Subtractor. A subtractor to a Solar Tariff Generation Unit's Base Compensation Rate, established pursuant to 225 CMR 20.07(4)(g).

Guideline. A set of clarifications, interpretations, and procedures, including forms, developed by the Department to assist in compliance with the requirements of 225 CMR 20.00. The Department may issue new or revised Guidelines. Each Guideline shall be effective on its date of issuance or on such date as is specified therein, except as otherwise provided in 225 CMR 20.00.

Important Agricultural Farmlands. Means those soils found to be Important Farmlands pursuant to 7 C.F.R. § 657.5, that includes prime farmlands, unique farmlands, and additional land of statewide importance.

Incentive Payment Effective Date. As defined in the SMART Tariff, means the earliest date on or after the Commercial Operation Date on which electrical energy output of a Solar Tariff Generation Unit can result in the creation of RPS Class I Renewable Generation Attributes and is also eligible to begin receiving incentive payments.

Independent Verifier. An entity approved by the Department to perform the function of a third party meter reader as defined in Rule 2.5(j) of the NEPOOL GIS Operating Rules, or any successor rule.

Interconnection Service Agreement. The agreement for interconnection service entered into between the interconnecting customer and a Distribution Company, as defined and provided in each Distribution Company's standards for interconnection of distributed generation.

ISO-NE. ISO New England Inc., the independent system operator for New England, the regional transmission organization for most of New England, which is authorized by the Federal Energy Regulatory Commission to exercise for the New England Control Area the functions required pursuant to the Federal Energy Regulatory Commission's Order No. 2000 and corresponding regulations.

Kilowatt (kW). A unit of power equal to one thousand watts, as measured in alternating current (AC).

Kilowatt-hour (kWh). A unit of electrical energy or work equivalent to one thousand watts of power operating for one hour.

Land in Agricultural Use. All land as defined under M.G.L. c. 61A, §§ 1 & 2, and land that had been enrolled in a program established pursuant to M.G.L. c. 61A within the past five years.

Low Income Community Shared Solar Tariff Generation Unit. A Community Shared Solar Tariff Generation Unit that either a) allocates at least 50% of its energy output to Low Income Customers in the form of electricity or bill credits or b) allocates value in the form of electricity or bill credits equal to at least 67% of the Generation Unit's Low Income Community Shared Solar Off-Taker Based Adder Rate to End-use Customers on a low-income discounted rate of a Distribution Company; this value must be allocated at no cost to the End-use Customers.

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Low Income Customer. An End-use Customer that is on a low-income discounted rate of a Distribution Company or a resident in a Low Income Eligible Area.

Low Income Eligible Area. A neighborhood, as identified through American Community Survey data, that has household income equal to or less than 65 percent of the statewide median income for Massachusetts.

Low Income Solar Tariff Generation Unit. A Solar Tariff Generation Unit with an AC rated capacity of less than or equal to 25 kW that serves Low Income Customers.

Low Income Property Solar Tariff Generation Unit. A Solar Tariff Generation Unit with a rated capacity greater than 25 kW that either a) provides all of its generation output in the form of electricity or bill credits to low or moderate income housing, as defined under M.G.L. c. 40B, or b) allocates value in the form of electricity or bill credits equal to at least 67% of the Generation Unit's Low Income Property Off-Taker Based Adder Rate to low or moderate income housing as defined above; this value must be allocated at no cost to the End-use Customers.

MassDEP. The Massachusetts Department of Environmental Protection established by M.G.L. c. 21A, § 7.

MDAR. The Massachusetts Department of Agricultural Resources established by M.G.L. c. 20, § 1.

Megawatt (MW). A unit of power equal to one million watts, as measured in alternating current (AC).

Megawatt-hour (MWh). A unit of electrical energy or work equivalent to one million watts of power operating for one hour.

Municipality. A city or town in the Commonwealth of Massachusetts that has been issued a public identification number by the DPU pursuant to 220 CMR 18.00: *Net Metering*.

NEPOOL GIS. The New England Power Pool Generation Information System, which includes a generation information database and certificate system, operated by the New England Power Pool, its designee or successor entity, that accounts for Generation Attributes of electrical energy consumed and generated within, imported into, or exported from the ISO-NE Control Area.

Net Metered Generation Unit. A Standalone Solar Tariff Generation Unit that is also enrolled and compensated as a Class I Net Metering Facility, Class II Net Metering Facility, or Class III Net Metering Facility, as defined under 220 CMR 18.02: *Definitions*.

Non-Net Metered Generation Unit. A Standalone Solar Tariff Generation Unit that is also enrolled and compensated as a State Qualifying Facility under 225 CMR 8.00: *Sales of Electricity by Qualifying Facilities and On-site Generating Facilities to Distribution Companies, and Sales of Electricity by Distribution Companies to Qualifying Facilities and On-site Generating Facilities*.

On-Site Load. Any new or existing electric load located at the site of a Solar Tariff Generation Unit including any parasitic load that may result from the installation of the Solar Tariff Generation Unit, and that is wired to receive a portion of the electrical energy output from the Solar Tariff

Generation Unit before the balance of such output passes through the Solar Tariff Generation Unit's metered interconnection onto the electric grid.

Other Governmental Entity. A department or agency of the Commonwealth, and any other entity that has been issued a public identification number by the DPU pursuant to 220 CMR 18.00: *Net Metering*.

Owner. Any person or entity that, alone or in conjunction with others, has legal ownership of a Solar Tariff Generation Unit.

Primary Installer. The primary entity responsible for a Solar Tariff Generation Unit's installation. The Primary Installer must be a professional contractor licensed to conduct business in Massachusetts. Any electrical work performed on the installation must be conducted by an electrician holding a valid and current license in Massachusetts. The Primary Installer is directly responsible for turnkey project management and installation work, although the installation work may be sub-contracted. Homeowners or other individuals are not eligible to be a Primary Installer unless they are a Massachusetts licensed electrician completing an installation on their own property.

Priority Habitat. Means Priority Habitat as defined in 321 CMR 10.02 *Definitions*.

Public Entity Solar Tariff Generation Unit. A Solar Tariff Generation Unit that is:

- (a) Sited on property owned by a Municipality or Other Governmental Entity and is either:
  - (i) owned or operated by a Municipality or Other Governmental Entity; or
  - (ii) the Owner has assigned 100% of its output to Municipalities or Other Governmental Entities; or
- (b) Sited on privately owned property and is either:
  - (i) Owned or operated by the Municipality in which the Solar Tariff Generation Unit is sited; or
  - (ii) the Owner has assigned 100% of its output to the Municipality or Other Governmental Entities in the Municipality in which the Solar Tariff Generation Unit is sited.

Publication Date. The date established by Department promulgation of revisions to the SMART Program pursuant to 225 CMR 20.07(5), specifically, April 15, 2020.

Renewable Generation. Means Renewable Generation, as defined in 225 CMR 14.02: *Definitions*.

Renewable Generation Attribute. Means a Renewable Generation Attribute, as defined in 225 CMR 14.02: *Definitions*.

Reservation Period. The period of time during which a Solar Tariff Generation Unit is entitled to a Statement of Qualification and Capacity Block reservation prior to the Solar Tariff Generation Unit's receipt of notice of authorization to interconnect from the Distribution Company.

RPS Class I Renewable Generation. Means RPS Class I Renewable Generation, as defined in 225 CMR 14.02: *Definitions*.

RPS Class I Renewable Generation Attribute. Means a RPS Class I Renewable Generation Attribute, as defined in 225 CMR 14.02: *Definitions*.

RPS Class I Renewable Generation Unit. Means a RPS Class I Renewable Generation Unit, as defined in 225 CMR 14.02: *Definitions*.

SMART Tariff. The SMART Provision tariff for each individual Distribution Company as reviewed and approved by the DPU, as may be amended from time to time.

Solar Massachusetts Renewable Target (SMART) Program. The solar incentive program established pursuant to 225 CMR 20.00.

Solar Program Administrator. The program administrator for 225 CMR 20.00 that is selected pursuant to the process set forth in 225 CMR 20.09.

Solar Tariff Generation Unit. A Generation Unit that generates electricity using solar photovoltaic technology and meets all of the eligibility criteria set forth in 225 CMR 20.05 and 20.06.

Standalone Solar Tariff Generation Unit. A Solar Tariff Generation Unit that serves no associated On-site Load other than parasitic or station load utilized to operate the Generation Unit or coupled Energy Storage System.

State Qualifying Facility. Means a Qualifying Facility, as defined by the DPU in 220 CMR 8.02: *Definitions*, or any successor rule.

Statement of Qualification. A document issued by the Department that qualifies a Solar Tariff Generation Unit under 225 CMR 20.00.

Third-Party Owner. An entity that has a turnkey contract involving a power purchase agreement, lease, or other arrangements with a Customer of Record, but is the Owner of the Solar Tariff Generation Unit. The Third-Party Owner may have a separate contract with another entity for the actual installation work.

#### 20.03 : Administration

225 CMR 20.00 shall be administered by the Department.

#### 20.04 : Applicability

225 CMR 20.00 applies to Distribution Companies and to the Owners of Solar Tariff Generation Units.

#### 20.05 : Tariff Based Incentive Program for Solar Photovoltaic Generation Units

- (1) Size of Program. The SMART Program shall support 3,200 MW of new solar generating capacity.
- (2) SMART Program Effective Date(s). Solar Tariff Generation Units that receive a Statement of Qualification under the SMART Program will be eligible to begin receiving incentive payments upon the effective date of the SMART Tariffs, as approved by the DPU. Revisions to the SMART Program pursuant to 225 CMR 20.07(5) that require amendments to the SMART Tariffs shall take effect upon review and approval of revised SMART Tariffs by the DPU.
- (3) Block Allocation. The amount of capacity available in each Distribution Company's service

territory will be proportional to the total electric load served to Massachusetts End-use Customers by the Distribution Company in calendar year 2016. The Department may update the amount of capacity available in proportion to total electric load served to End-use Customers by each Distribution Company based on updated electric load served data, as available. Each Distribution Company shall divide the capacity available in its service territory into sixteen equally sized Capacity Blocks, provided, however, that if a Distribution Company served less than 5% of the total electric load collectively served to all Massachusetts End-use Customers by the Distribution Companies in calendar year 2016, it may elect to have less than sixteen equally sized Capacity Blocks.

(a) Set-aside for Solar Tariff Generation Units Less than or Equal to 25 kW. Each Capacity Block shall have a minimum of 20% and maximum of 35% of its total available capacity reserved for Solar Tariff Generation Units with nameplate capacities less than or equal to 25 kW.

(b) Special Provisions for Block 1. Other than Solar Tariff Generation Units selected under the one-time competitive procurement described in 225 CMR 20.07(3), no Solar Tariff Generation Unit shall be eligible to qualify in a Distribution Company's first Capacity Block unless it has a capacity equal to or less than 1,000 kW or is eligible to receive a Compensation Rate Adder.

(c) Set-aside for Solar Tariff Generation Units Greater than 25kW and Less than or Equal to 500 kW. Each Capacity Block, starting with the first full capacity block after the Publication Date, shall have a minimum of 20% of its total available capacity reserved for Solar Tariff Generation Units with nameplate capacities greater than 25kW and less than or equal to 500 kW.

(d) Set-aside for Low Income Community Shared and Low Income Property Solar Tariff Generation Units. Each Capacity Block, starting with the first full capacity block after the Publication Date, shall have a minimum of 5% of its total available capacity reserved for Low Income Community Shared and Low Income Property Solar Tariff Generation Units.

(e) Special Provision for Eversource Energy Capacity Blocks. Beginning with the ninth Capacity Block, the service territories formerly designated as NSTAR Electric Company and Western Massachusetts Electric Company, shall be combined into a single service territory with a total available capacity equal to that amount previously available for the two separate Distribution Companies'. The total combined capacity available in this single service territory shall be divided into eight equally sized Capacity Blocks. The Base Compensation Rates established for the service territories formerly designated as NSTAR Electric Company and Western Massachusetts Electric Company shall remain separate and will continue to apply.

(4) Transition between Capacity Blocks. If there is not enough capacity remaining in a Capacity Block for a Solar Tariff Generation Unit to fit entirely within the Capacity Block, that Solar Tariff Generation Unit shall receive a blended total compensation rate, which shall be prorated according to the amount of the Solar Tariff Generation Unit's capacity that is assigned to each Capacity Block.

(5) General Eligibility Criteria for Solar Tariff Generation Units

(a) General Eligibility Requirements. The Solar Tariff Generation Unit must use solar photovoltaic technology and be interconnected with the electric grid in the Commonwealth of Massachusetts. The aggregate maximum capacity of Solar Tariff Generation Units located on a single parcel of land shall be five MW and shall not be inclusive of any solar photovoltaic generating capacity that is not qualified under 225 CMR 20.00. For any parcel of land for which a Solar Tariff Generation Unit has submitted a Statement of Qualification Application,

if its current boundaries are the result of a subdivision recorded after January 1, 2010, the Owner shall demonstrate to the Department that the subdivision was not for the purpose of obtaining eligibility as a Solar Tariff Generation Unit. If the Owner fails to make such a showing to the Department, the five MW limit shall apply to the metes and bounds of the parcel as recorded prior to the subdivision.

(b) Commercial Operation Date Requirements. A Solar Tariff Generation Unit must have a Commercial Operation Date on or after January 1, 2018 and shall not have been previously qualified and commercially operational as a Solar Carve-out Renewable Generation Unit or Solar Carve-out II Renewable Generation Unit, as defined in 225 CMR 14.02: *Definitions*.

(c) Public Utility Regulatory Policies Act of 1978 Requirements. A Solar Tariff Generation Unit with a maximum net power production capacity of greater than one MW shall obtain federal qualifying facility status from the Federal Energy Regulatory Commission pursuant to 18 C.F.R. § 292.207(a) and (b). A Solar Tariff Generation Unit with a maximum net power production capacity of less than or equal to one MW shall attest to its status as a federal qualifying facility in the Statement of Qualification application.

(d) RPS Class I Eligibility. For each MWh of electricity generation produced by a Solar Tariff Generation Unit, it will be eligible to generate GIS Certificates encoded as RPS Class I Renewable Generation Attributes. These GIS Certificates and any other GIS Certificates associated with Environmental Attributes other than RPS Class I Renewable Generation Attributes, shall be transferred directly to an account owned by the Distribution Company in whose service territory the Solar Tariff Generation Unit is located upon issuance by NEPOOL GIS.

(e) Land Use and Siting Criteria. A Solar Tariff Generation Unit must meet the following performance standards, and will be placed into one of three categories with respect to the land or property on which it is sited. For the purposes of 225 CMR 20.05(5)(e), previously developed shall mean having pre-existing paving, construction, or altered landscapes, and does not include altered landscapes resulting from current agricultural use, forestry, or use as preserved natural area.

1. Applicability of Land Use and Siting Criteria. Date of application for participation in the SMART Program and project status as of the Publication Date will determine which Land Use and Siting Criteria apply to a Solar Tariff Generation Unit.

a. Solar Tariff Generation Units that have received a Statement of Qualification as of the Publication Date shall be subject to the Land Use and Siting Criteria as outlined in 225 CMR 20.05(5)(e)2 through 6.

b. Effective after the Publication Date, all other Solar Tariff Generation Units must meet the Land Use and Siting Criteria established by 225 CMR 20.05(5)(e)7.

c. Exception to 20.05(5)(e)1(b). Solar Tariff Generation Units that meet the requirements of 225 CMR 20.06(1)(c) 2 and 225 CMR 20.06(1)(c)3 as of the Publication Date and submit an executed Interconnection Service Agreement as detailed in 20.06(1)(c)1 within 6 months of the Publication Date shall be subject to the Land Use and Siting Criteria as outlined in 225 CMR 20.05(5)(e)2 through 6.

2. Category 1 Land Use. Solar Tariff Generation Units that meet one or more of the following criteria will be designated as either Category 1 Agricultural or Category 1 Non-Agricultural:

a. Category 1 Agricultural: Solar Tariff Generation Units located on Land in Agricultural Use or Important Agricultural Farmland that meet one or more of the following criteria will be designated as Category 1:

i. Agricultural Solar Tariff Generation Units;

- ii. Building Mounted Solar Tariff Generation Units;
  - iii. Floating Solar Tariff Generation Units;
  - iv. Canopy Solar Tariff Generation Units;
  - v. Solar Tariff Generation Units sized to meet no greater than 200% of annual operation load of an agricultural facility.
- b. Category 1 Non-Agricultural: Solar Tariff Generation Units not located on Land in Agricultural Use or Important Agricultural Farmland that meet one or more of the following criteria will be designated as Category 1:
- i. Ground-mounted Solar Tariff Generation Units with a capacity less than or equal to 500 kW;
  - ii. Building Mounted Solar Tariff Generation Units;
  - iii. Solar Tariff Generation Units sited on Brownfields;
  - iv. Solar Tariff Generation Units sited on Eligible Landfills;
  - v. Floating Solar Tariff Generation Units;
  - vi. Canopy Solar Tariff Generation Units;
  - vii. Solar Tariff Generation Units that are ground-mounted with a capacity greater than 500 kW and less than or equal to 5,000 kW that are on land that has been previously developed; and
  - viii. Solar Tariff Generation Units that are ground-mounted with a capacity greater than 500 kW and less than or equal to 5,000 kW that are sited within a solar overlay district or that comply with established local zoning that explicitly addresses solar or power generation.
3. Category 2 Land Use. Solar Tariff Generation Units not otherwise designated Category 1 that are ground-mounted with a capacity greater than 500 kW and less than or equal to 5,000 kW and that are sited on land that:
- a. has not been previously developed and
  - b. is zoned for commercial or industrial use, shall be designated as Category 2 Land Use.
4. Category 3 Land Use. Solar Tariff Generation Units not otherwise designated Category 1 or Category 2 that are ground-mounted shall be designated as Category 3 Land Use.
5. Ineligible Land Use. Solar photovoltaic Generation Units that meet one or more of following criteria shall not be eligible to qualify as Solar Tariff Generation Units under 225 CMR 20.00:
- a. Solar photovoltaic Generation Units on protected open space, as established under Article XCVII of the Amendments to the Constitution, that do not meet the criteria of Category 1 Land Use;
  - b. Solar photovoltaic Generation Units sited in a wetland Resource Area, as defined in 310 CMR 10.04: *Definitions*, not including Buffer Zones, as defined in 310 CMR 10.04: *Definitions*, except as authorized by all necessary regulatory bodies; and
  - c. Solar photovoltaic Generation Units sited on properties included the *State Register*, as defined in 950 CMR 71.03: *Definitions*, except as authorized by regulatory bodies.
6. Performance Standards: All ground-mounted Solar Tariff Generation Units with a capacity greater than 500 kW must provide a certification from a professional engineer that the construction of the Solar Tariff Generation Unit complied with the following standards when installed on Land in Agricultural Use, Important Agricultural Farmland, or other pervious open space:
- a. no removal of all field soils;
  - b. existing leveled field areas left as is without disturbance;
  - c. where soils need to be leveled and smoothed, such as filling potholes or leveling,

this shall be done with minimal overall impact with all displaced soils returned to the areas affected;

d. ballasts, screw-type, or post driven pilings and other acceptable minimal soil impact methods that do not require footings or other permanent penetration of soils for mounting are required, unless the need for such can be demonstrated;

e. any soil penetrations that may be required for providing system foundations necessary for additional structural loading or for providing system trenching necessary for electrical routing shall be done with minimal soils disturbance, with any displaced soils to be temporary and recovered and returned after penetration and trenching work is completed;

f. no concrete or asphalt in the mounting area other than ballasts or other code required surfaces, such as transformer or electric gear pads;

g. address existing soil and water resource concerns that may be impacted to ensure the installation does not disturb an existing soil and water conservation plan or to avoid creating a negative impact to soil and water conservation best management practices, such as stimulating erosion or water run-off conditions;

h. limited use of geotextile fabrics; and

i. maintain vegetative cover to prevent soil erosion.

7. Land Use and Siting Criteria Effective after the Publication Date. A Solar Tariff Generation Unit must meet the performance standards and will be placed into one of three categories with respect to the land or property on which it is sited as enumerated in 225 CMR 20.05(5)(e) 1 through 6, except as noted herein.

a. Category 1 Non-Agricultural. Solar Tariff Generation Units not located on Land in Agricultural Use or Important Agricultural Farmland that are a Public Entity Solar Tariff Generation Unit will be designated as Category 1 Non-Agricultural as in 20.05(5)(e)2b.

b. Category 2 Land Use. Solar Tariff Generation Units not otherwise designated Category 1 that are ground-mounted with a capacity greater than 500 kW and less than or equal to 5,000 kW that are sited within a solar overlay district or that comply with established local zoning that explicitly addresses solar or power generation, shall be designated as Category 2 Land Use as in 20.05(5)(e)3.

c. Ineligible Land Use. Solar photovoltaic Generation Units that meet or one or more of the following criteria shall not be eligible to qualify as Solar Tariff Generation Units under 225 CMR 20.00:

1. One or more of the criteria established in 225 CMR 20.05(5)(e)5; or

2. Solar Tariff Generation Units sited on land designated as Priority Habitat, Core Habitat or Critical Natural Landscape, that do not meet the criteria of Category 1 Land Use.

3. Solar Tariff Generation Units sited on a parcel with 50% or more of its area designated as Priority Habitat, Core Habitat and/or Critical Natural Landscape, that do not meet the criteria of Category 1 Land Use.

(f) Project Segmentation. No more than one Solar Tariff Generation Unit on a single building, or one ground-mounted Solar Tariff Generation Unit on a single parcel or contiguous parcels of land, shall be eligible to receive a Statement of Qualification as a Solar Tariff Generation Unit. The Solar Program Administrator or the Department may require a Solar Tariff Generation Unit Owner or Authorized Agent to include a deed from the registry of in the case of recorded land, or a numbered certificate in the case of registered land, from the registry of

deeds with their Statement of Qualification Application in order to verify that the Solar Tariff Generation Unit meets this requirement.

(g) Exceptions to Project Segmentation. Notwithstanding 225 CMR 20.05(5)(f), the following types of Solar Tariff Generation Units may be eligible to receive a Statement of Qualification, subject to demonstration to the Department's satisfaction that one of the following exceptions should apply:

1. a Solar Tariff Generation Unit with an AC rated capacity of 25 kW or less that is located on a parcel of land contiguous with another parcel or parcels of land containing a Solar Tariff Generation Unit, provided the parcels of land were not the result of a subdivision performed for the purpose of qualifying under 225 CMR 20.05(5)(g)1.;
  2. a Solar Tariff Generation Unit with an AC rated capacity of 25 kW or less, a Canopy Solar Tariff Generation Unit, or a Building Mounted Solar Tariff Generation Unit, which is located on the same parcel of land as another Solar Tariff Generation Unit, provided that the Solar Tariff Generation Unit is separately metered from the original Solar Tariff Generation Unit and, in the case of a Solar Tariff Generation Unit with an AC rated capacity of 25 kW or less or a Building Mounted Solar Tariff Generation Unit, is located on a separate building from the original Solar Tariff Generation Unit;
  3. a Solar Tariff Generation Unit with an AC rated capacity of 25 kW or less or a Building Mounted Solar Tariff Generation Unit, which is located on the same building as another Solar Tariff Generation Unit, provided that the Solar Tariff Generation Unit is separately metered from the original Solar Tariff Generation Unit and is connected to a meter of a separate End-use Customer as the original Solar Tariff Generation Unit;
  4. a Solar Tariff Generation Unit located on the same parcel or contiguous parcel of land to another Solar Tariff Generation Unit that submits a Statement of Qualification Application at least twelve months after the Commercial Operation Date of the original Solar Tariff Generation Unit and is separately metered or that can demonstrate to the Department's satisfaction that the Owners of the Solar Tariff Generation Units are unaffiliated parties;
  5. a Solar Tariff Generation Unit that is physically located across multiple parcels of land, provided that it is located behind a single interconnection point and single production meter, and that its AC rated capacity is 5 MW or less;
  6. a Solar Tariff Generation Unit that can demonstrate to the Department's satisfaction that documentation required to meet the criteria set forth in 225 CMR 20.06(1)(c) was obtained prior to June 5, 2017;
  7. a Solar Tariff Generation Unit that is physically located on a parcel or parcels of land owned or controlled by the Massachusetts Department of Transportation as established by M.G.L. Ch. 6C, and can demonstrate to the Department's satisfaction that it should be granted an exception to the provisions of 225 CMR 20.05(5)(f); and
  8. a Solar Tariff Generation Unit that can demonstrate to the Department's satisfaction that it should be granted an exception to the provisions of 225 CMR 20.05(5)(f) for good cause.
- (h) Capacity Expansions. Both direct current (DC) and alternating current (AC) capacity expansions to the capacity listed in a Solar Tariff Generation Unit's Statement of Qualification are not permitted except under the following circumstances:
1. a direct current capacity expansion to a Solar Tariff Generation Unit's rated capacity is permitted if the expansion occurs within a Solar Tariff Generation Unit's Reservation Period; and
  2. direct current and alternating current capacity expansions following a Solar Tariff Generation's Commercial Operation Date may be allowed if the Solar Tariff Generation Unit can demonstrate to the Department's satisfaction that the expansion is *de minimis* and



is required for equipment replacement or reconfiguration necessary to ensure the continued operation of the Solar Tariff Generation Unit.

(i) Special Provisions for Relocated and Replacement Generation Units. The Department may provide a Statement of Qualification to a solar photovoltaic Generation Unit that meets one of the following categories and criteria, as well as all other relevant provisions of 225 CMR 20.00:

1. Relocated Solar Tariff Generation Unit. A solar photovoltaic Generation Unit whose equipment was used before January 1, 2018, to generate electrical energy outside of the Commonwealth of Massachusetts, and that is interconnected with the electric grid in the service territory of a Distribution Company on or after January 1, 2018 provided that no components of the Power Conversion Technology were used in a Generation Unit located in the Commonwealth prior to January 1, 2018. No components from a Generation Unit previously qualified as an RPS Class I Renewable Generation Unit, Solar Carve-out Renewable Generation Unit, or Solar Carve-out II Renewable Generation Unit shall be eligible to qualify as part of a Solar Tariff Generation Unit.

2. Replacement Solar Tariff Generation Unit. A solar photovoltaic Generation Unit that replaces an inactive or decommissioned solar photovoltaic Generation Unit that had operated on the same site before January 1, 2018, may submit a Statement of Qualification Application for the portion of the total kW capacity that represents a net increase over the total installed kW capacity of the previously installed solar photovoltaic Generation Unit.

(j) Special Provisions for Distribution Company Owned Solar Photovoltaic Generation Units. Any solar photovoltaic Generation Unit that is owned by a Distribution Company and was approved to be constructed by the DPU, pursuant to M.G.L. c. 164, § 1A, shall not be eligible to qualify as a Solar Tariff Generation Unit under 225 CMR 20.00.

(k) Energy Storage Requirement. Solar Tariff Generation Units greater than 500 kW applying for a Statement of Qualification for any available capacity in any capacity block available after the Publication Date must be co-located with an Energy Storage System that meets the eligibility requirements for an Energy Storage Adder pursuant to 225 CMR 20.06(1)(e).

1. Exceptions to Energy Storage Requirement. A Solar Tariff Generation Unit shall be exempt from the requirement to be co-located with an Energy Storage System, as prescribed in 225 CMR 20.05(5)(k), if it can demonstrate to the Department's satisfaction that:

- a. documentation required to meet the criteria set forth in 225 CMR 20.06(1)(e) was obtained on or before the Publication Date; or
- b. it should be granted an exception to the provisions of 225 CMR 20.05(5)(k) for good cause.

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(6) Reporting Requirements.

(a) Generator Account Registration. An asset must be established for individual Solar Tariff Generation Units within a generator account at NEPOOL GIS. For Non-NEPOOL Generators, as that term is defined under Rule 2.1(a)(vi) of the *NEPOOL GIS Operating Rules*, multiple Solar Tariff Generation Units may be registered under a single asset.

(b) Settlement Market System Assets. The electrical energy output from a Solar Tariff Generation Unit registered as a NEPOOL Generator, as that term is defined under Rule 2.1(a)(i) of the *NEPOOL GIS Operating Rules*, shall be verified by the ISO-NE.

(c) Non-NEPOOL Market Assets. The electrical energy output from a Solar Tariff Generation Unit registered as a Non-NEPOOL Generator, as that term is defined under Rule 2.1(a)(ii) of the *NEPOOL GIS Operating Rules*, shall be reported to the Independent Verifier, as approved by the Department, for all such assets.

(d) Duration of Distribution Company Asset Ownership. A Distribution Company shall retain the asset ownership and rights to all RPS Class I Renewable Generation Attributes associated with a Solar Tariff Generation Unit registered in a Distribution Company's NEPOOL GIS generator account for as long as the Solar Tariff Generation Unit is eligible to receive payment for such RPS Class I Renewable Generation Attributes and any Environmental Attributes as prescribed in 225 CMR 20.07(1). Following this period, ownership rights to assets and the RPS Class I Renewable Generation Attributes and any other Environmental Attributes that a Solar Tariff Generation Unit generates will be owned by the Solar Tariff Generation Unit Owner.

#### 20.06 : Qualification and Block Reservation Process for Solar Tariff Generation Units

(1) Statement of Qualification Application. A Statement of Qualification Application shall be submitted to the Solar Program Administrator by the Owner of the prospective Solar Tariff Generation Unit or by the Authorized Agent of the Owner. The applicant must use the most current forms and associated instructions provided by the Department, and must include all information, documentation, and assurances required by such forms and instructions.

(a) Authorization to Interconnect. In order to retain a Statement of Qualification issued prior to a project's Commercial Operation Date, all Solar Tariff Generation Units must provide the Solar Program Administrator with a copy of the authorization to interconnect issued by the applicable Distribution Company.

(b) Required Documentation for Solar Tariff Generation Units with Rated Capacities of 25 kW or Less. A prospective Solar Tariff Generation Unit with a capacity of 25 kW or less must submit the following documentation as part of its Statement of Qualification Application in order to obtain a Statement of Qualification:

1. Executed Contract. The Owner or their Authorized Agent must submit a copy of an executed contract between the Primary Installer and the Customer of Record. For a Solar Tariff Generation Unit for which the Owner is a Third-Party Owner and the Primary Installer is a subcontractor to the Owner, an executed contract between the Owner and the Primary Installer will satisfy this requirement. The contract must identify a project manager, and must include Statement of Qualification Application preparation, equipment procurement and installation, site preparation, permitting and interconnection support, Statement of Qualification Application completion paperwork, training, operations and maintenance, and compliance with all applicable state and local laws. The contract shall include a budget that identifies key project components and a timeline and corresponding payment schedule for installation of the project. Contract service must include responsibility for the Statement of Qualification Application process including submittal of authorization to interconnect, securing required permits and engineering approvals, installation of the project, scheduling and participation in all required inspections, and providing warranty services, as required.

2. Special Provisions for Third-Party Ownership. If the Owner of a Solar Tariff Generation Unit is a Third-Party Owner, the Owner or their Authorized Agent must also submit a copy of an executed contract power purchase agreement or lease with the Customer of Record.

3. Special Provisions for Low Income Generation Units. Prospective Solar Tariff Generation Units with capacities less than or equal to 25 kW that are seeking Statements of Qualification as Low Income Generation Units must provide evidence that the Customer of Record is classified as a Low Income Customer

4. Customer Disclosure Form. Prospective Solar Tariff Generation Units with a capacity of 25 kW or less must submit a copy of a customer disclosure form signed by the Owner

as part of its Statement of Qualification Application. The customer disclosure form will be developed by the Department to provide consumer information including, but not limited to, contract pricing for the length of the agreement, complete system cost information, operation and maintenance responsibilities, disposition of associated RECs and tariff terms, and anticipated production. If the Solar Tariff Generation Unit Owner is a Third-Party Owner, the form must be signed by the Customer of Record.

(c) Required Documentation for Solar Tariff Generation Units with Rated Capacities Larger than 25 kW. All Generation Units with a capacity larger than 25 kW must provide evidence of the following in order to obtain a Statement of Qualification:

1. an executed Interconnection Service Agreement, as tendered by the Distribution Company;
2. demonstrate a sufficient interest in real estate or other contractual right to construct the Solar Tariff Generation Unit at the location specified in the Interconnection Service Agreement; and
3. all necessary governmental permits and approvals to construct the Solar Tariff Generation Unit with the exception of ministerial permits, such as a building permit, and notwithstanding any pending legal challenge(s) to one or more permits or approvals.

(d) Special Provisions for Agricultural Solar Tariff Generation Units. In order to qualify as an Agricultural Solar Tariff Generation Unit, a Solar Tariff Generation Unit must submit documentation itemized in 225 CMR 20.06(1)(d) below. All final determinations regarding the eligibility of such facilities will be made by the Department, in consultation with MDAR. An Agricultural Solar Tariff Generation Unit must also submit satisfactory documentation to the Department as detailed in the Department's *Guideline Regarding the Definition of Agricultural Solar Tariff Generation Units*.

1. the Solar Tariff Generation Unit will not interfere with the continued use of the land beneath the canopy for agricultural purposes;
2. the Solar Tariff Generation Unit is designed to optimize a balance between the generation of electricity and the agricultural productive capacity of the soils beneath;
3. the Solar Tariff Generation Unit is a raised structure allowing for continuous growth of crops underneath the solar photovoltaic modules, with height enough for labor and/or machinery as it relates to tilling, cultivating, soil amendments, harvesting, *etc.* and grazing animals;
4. crop(s) to be grown to be provided by the farmer or farm agronomist in conjunction with UMass Amherst agricultural extension services, including compatibility with the design of the agricultural solar system for such factors as crop selection, sunlight percentage, *etc.*;
5. annual reporting to the Department and MDAR of the productivity of the crop(s) and herd, including pounds harvested and/or grazed, herd size growth, success of the crop, potential changes, *etc.*, shall be provided after project implementation and throughout the SMART incentive period; and
6. other system design information, which shall include, but not be limited to:
  - a. dual-use type, *e.g.*, ground mount racking, pole towers, tracking, *etc.*;
  - b. total gross acres of open farmland to be integrated with the project;
  - c. type of crop(s) to be grown, including grazing crops;
  - d. pounds of crop(s) projected to be grown and harvested, or grazed;
  - e. animals to be grazed with herd size(s); and
  - f. design drawing including mounting system type (fixed, tracking), panel tilt, panel row spacing, individual panel spacing, for pole towers tower spacing and mounting height, *etc.*

(e) Special Provisions for Energy Storage Systems. Solar Tariff Generation Units co-located with an Energy Storage System will be eligible to receive an energy storage adder under 225 CMR 20.07(4)(c), provided it meets the following eligibility criteria:

1. Minimum and Maximum Nominal Rated Power. The nominal rated power capacity of the Energy Storage System paired with the Solar Tariff Generation Unit must be at least 25%. The nominal rated power capacity of the Energy Storage System paired with the Solar Tariff Generation Unit may be more than 100% of the rated capacity, as measured in direct current, of the Solar Tariff Generation Unit, but the Solar Tariff Generation Unit will receive credit for no nominal rated power capacity greater than 100% in the calculation of its Energy Storage Adder, pursuant to 225 CMR 20.07(4)(c).
2. Minimum and Maximum Nominal Useful Energy. The nominal useful energy capacity of the Energy Storage System paired with the Solar Tariff Generation Unit must be at least two hours. The nominal useful energy capacity of the Energy Storage System paired with the Solar Tariff Generation Unit may be more than six hours, but the Solar Tariff Generation Unit will receive credit for no nominal useful energy capacity greater than six hours in the calculation of its Energy Storage Adder, pursuant to 225 CMR 20.07(4)(c).
3. Minimum Efficiency Requirement. The Energy Storage System paired with the Solar Tariff Generation Unit must have at least a 65% round trip efficiency in normal operation.
4. Data Provision Requirements. The Owner of the Energy Storage System must provide historical 15-minute interval performance data in a manner established by the Department for the first year of operation, and upon request, for the first five years of operation.
5. Operational Requirements. The Energy Storage System must discharge at least 52 complete cycle equivalents per year, or must participate in a demand response program, and must remain functional and operational in order for the Solar Tariff Generation Unit to continue to be eligible for the energy storage adder. If the Energy Storage System is decommissioned or non-functional for more than 15% of any 12-month period, the Department may disqualify the Solar Tariff Generation Unit from continuing to receive the energy storage adder.
6. Metering and Reporting Requirements. The Department shall develop a *Guideline Regarding Metering of Solar and Energy Storage Systems* that shall include acceptable metering and reporting capabilities for Solar Tariff Generation Units co-located with Energy Storage Systems.

(f) Special Provisions for Low Income Community Shared Solar Tariff Generation Units. In order to qualify as a Low Income Community Shared Solar Tariff Generation Unit, a Solar Tariff Generation Unit must submit satisfactory documentation to the Department as detailed in the Department's *Guideline Regarding Low Income Generation Units and Guideline Regarding Community Shared Solar and Low Income Community Shared Solar Generation Units* and must meet the following criteria:

1. No more than two participants may receive bill credits in excess of those produced annually by 25 kW of nameplate capacity, and the combined share of said participants' capacity shall not exceed 50% of the total capacity of the Generation Unit, except in the case of Generation Units smaller than 100 kW.
2. The Owner or Authorized Agent of a prospective Low Income Community Shared Solar Tariff Generation Unit must submit a copy of a customer disclosure form signed by each Customer of Record receiving electricity or bill credits generated by the Low Income Community Shared Solar Tariff Generation Unit as part of its Statement of Qualification Application, with the exception of those participants receiving bill credits in excess of those produced annually by 25 kW of nameplate capacity. The customer disclosure form will be developed by the Department to provide consumer information including, but not

limited to, contract pricing for the length of the agreement, complete system cost information, operation and maintenance responsibilities, disposition of associated RECs and tariff terms, and anticipated production. The Low Income Community Shared Solar Tariff Generation Unit Owner or Authorized Agent must provide updated customer disclosure forms for any new Customers of Record that receive electricity or bill credits generated by the Low Income Community Shared Solar Tariff Generation Unit after it is granted its Statement of Qualification. These updates must be provided annually by no later than December 31<sup>st</sup>.

3. The Solar Tariff Generation Unit must demonstrate that no individual or distinct legal entity will receive bill credits or electricity in an amount that exceeds the applicable limitations noted in 20.06(1)(f)1, even if the credits are allocated across multiple utility accounts.

4. Electricity or bill credits may be allocated through a municipal load aggregation program established pursuant to M.G.L. c. 164, § 134, or through a low income community shared solar program established and administered by a Distribution Company.

(g) Special Provisions for Low Income Property Generation Units. In order to qualify as a Low Income Property Generation Unit, a Solar Tariff Generation Unit must submit satisfactory documentation to the Department as detailed in the Department's *Guideline Regarding Low Income Generation Units*.

(h) Special Provisions for Community Shared Solar Tariff Generation Units. In order to qualify as a Community Shared Solar Tariff Generation Unit, a Solar Tariff Generation Unit must submit satisfactory documentation to the Department as detailed in the Department's *Guideline Regarding Community Shared Solar and Low Income Community Shared Solar Generation Units* and meet the following criteria:

1. No more than two participants may receive bill credits in excess of those produced annually by 25 kW of nameplate capacity, and the combined share of said participants' capacity shall not exceed 50% of the total capacity of the Generation Unit, except in the case of Generation Units smaller than 100kW.

2. The Owner or Authorized Agent of a prospective Community Shared Solar Tariff Generation Unit must submit a copy of a customer disclosure form signed by each Customer of Record receiving electricity or bill credits generated by the Community Shared Solar Tariff Generation Unit as part of its Statement of Qualification Application, with the exception of those participants receiving bill credits in excess of those produced annually by 25 kW of nameplate capacity noted in 20.06 (1)(i)1. The customer disclosure form will be developed by the Department to provide consumer information including, but not limited to, contract pricing for the length of the agreement, complete system cost information, operation and maintenance responsibilities, disposition of associated RECs and tariff terms, and anticipated production. The Community Shared Solar Tariff Generation Unit Owner or Authorized Agent must provide updated customer disclosure forms for any new Customers of Record that receive electricity or bill credits generated by the Community Shared Solar Tariff Generation Unit after it is granted its Statement of Qualification. These updates must be provided at least annually by no later than December 31<sup>st</sup>.

3. A Solar Tariff Generation Unit seeking a Community Shared Solar adder or Low Income Community Shared Solar adder must allocate at least 90% of bill credits or electricity by the Incentive Payment Effective Date.

i. Failure to do so will result in the Solar Tariff Generation Unit going to the last position of the application queue for the applicable service territory as established pursuant to the *Statement of Qualification Reservation Period Guideline*.



1. The Solar Tariff Generation Unit will have 100% of its nameplate capacity of the solar photovoltaic modules used for generating power installed on top of a parking surface, pedestrian walkway, or canal; or
2. The Solar Tariff Generation Unit will have 100% of its nameplate capacity of the solar photovoltaic modules used for generating power installed over certain roadways or highways or adjacent parcels owned or controlled by the Massachusetts Department of Transportation; and
3. The Solar Tariff Generation Unit will maintain the function of the area beneath the canopy.

(k) Special Provision for Serving Low Income Customers. After the Publication Date, a Solar Tariff Generation Unit that services eligible Low Income Customers must demonstrate to the Department's satisfaction that any such customers shall receive a net savings by enrolling in the solar contract, as detailed in the Department's *Guideline Regarding Community Shared Solar and Low Income Community Shared Solar Generation Units*.

(l) Special Provisions for Public Entity Solar Tariff Generation Units. A Public Entity Solar Tariff Generation Unit may apply for a Statement of Qualification pursuant to 225 CMR 20.06 (1)(c) by providing satisfactory evidence to the Department that a Municipality or Other Governmental Entity has awarded a contract to develop a Solar Tariff Generation Unit.

(m) Auditing of Customer Disclosure Forms. The Department shall conduct periodic audits of the customer disclosure forms submitted subject to the requirements of 225 CMR 20.06(1)(b)3. 225 CMR 20.06(1)(f) and 225 CMR 20.06(1)(h) pursuant to the *Guideline on SMART Consumer Protection*. If the Department audit identifies material defects in the information provided, including, but not limited to, discrepancies between the information provided on the customer disclosure form and the customer contract, or if the audit finds the application does not meet the criteria for a Low Income Solar Tariff Generation Unit or a Low Income Community Shared Solar Generation Unit, the applicant shall be issued a warning by the Department. If a single applicant is issued three warnings by the Department, the Department shall notify the applicant that, effective upon date of issuance of the third warning, that applicant may not submit any further Statement of Qualification Applications for a period of 12 months.

(n) Customer Disclosure Form Exception. Prospective Solar Tariff Generation Units seeking to qualify as a Low Income Community Shared Solar Tariff Generation Unit or Community Shared Solar Tariff Generation Unit may be exempt from the customer disclosure form requirements in 225 CMR 20.06(1)(f) and 20.06(1)(h) if the applicant can demonstrate to the Department's satisfaction that the Customers of Record are enrolled without a customer contract.

(2) Application Review Procedures

(a) The Solar Program Administrator will notify the applicant when the Statement of Qualification Application is administratively complete or if additional information is required pursuant to 225 CMR 20.06(2).

(b) The Department may, at its sole discretion, provide an opportunity for public comment on any Statement of Qualification Application.

(3) Issuance or Non-issuance of a Statement of Qualification

(a) If the Department finds that a Generation Unit meets the requirements for eligibility as a Solar Tariff Generation Unit pursuant to 225 CMR 20.00, the Solar Program Administrator will provide the Owner of such Unit or the Authorized Agent of the Owner with a Statement of Qualification.

(b) The Statement of Qualification shall include any applicable restrictions and conditions that the Department deems necessary to ensure compliance by a particular Solar Tariff Generation Unit with the provisions of 225 CMR 20.00.

(c) If a Generation Unit does not meet the requirements for eligibility as a Solar Tariff Generation Unit under 225 CMR 20.00, the Solar Program Administrator shall provide written notice to the Owner or to the Authorized Agent of the Owner, including the reasons for such finding.

(4) RPS Effective Date. The RPS Effective Date shall be the earliest date on or after the Commercial Operation Date on which electrical energy output of a Solar Tariff Generation Unit can result in the creation of RPS Class I Renewable Generation Attributes.

(5) Notification Requirements for Change in Eligibility Status. The Owner or Authorized Agent of a Solar Tariff Generation Unit shall notify the Solar Program Administrator of any changes that may affect the continued eligibility of the Generation Unit as a 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. The notice shall state the date the changes were made to the Solar Tariff Generation Unit and describe the changes in sufficient detail to enable the Solar Program Administrator and the Department to determine if a change in eligibility is warranted.

(6) Notification Requirements for Change in Ownership, Generation Capacity, or Contact Information. 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.

(7) Statement of Qualification Reservation Period. A Solar Tariff Generation Unit may retain its Statement of Qualification pursuant to the procedures set forth in the *Statement of Qualification Reservation Period Guideline*.

#### 20.07 Compensation Rates

(1) Length of Compensation Rate Terms. All Solar Tariff Generation Units with capacities larger than 25 kW AC will be eligible to receive compensation under 225 CMR 20.00 for 20 years from the Solar Tariff Generation Unit's RPS Effective Date. All Solar Tariff Generation Units with capacities less than or equal to 25 kW AC will be eligible to receive compensation under 225 CMR 20.00 for ten years from the Solar Tariff Generation Unit's RPS Effective Date.

(2) Schedule of Base Compensation Rates and Compensation Rate Adders.

Following the first Capacity Block, all Base Compensation Rates will decline by 4% per Capacity Block, with Base Compensation Rates in each Capacity Block being established at exactly 4% less than the Base Compensation Rate in the previous Capacity Block. After the Publication Date, Base Compensation Rates in each Capacity Block will decline by 2% per Capacity Block for Behind-



the-Meter Solar Tariff Generation Units. The Department shall establish in a Guideline the specific Capacity Block in each Distribution Company service territory in which the Behind-the-Meter Solar Tariff Generation Unit Base Compensation Rates shall decline by 2%. With the exception of Location Based Adders, Compensation Rate Adders will decline by 4% for every tranche of capacity established by the Department. The first tranche of capacity available to each adder shall be 80 MW, with the Department establishing the sizes of additional tranches as they are filled. Compensation Rate Adders in each additional tranche will be exactly 4% less than the Compensation Rate Adder available in the previous tranche. A schedule of such rates and the progress towards filling Capacity Blocks and reductions in Compensation Rate Adders shall be published on the Department's and Solar Program Administrator's websites. If a Distribution Company is eligible to have fewer Capacity Blocks and elects to do so, it may also establish a steeper rate of decline for Base Compensation Rates, which must be approved by the Department and shall yield a similar overall rate of decline as if the Distribution Company had elected to have sixteen Capacity Blocks.

(3) Base Compensation Rates. Initial Base Compensation Rates shall be established as follows:

(a) One-time Competitive Procurement for Proposed Solar Tariff Generation Units sized between 1 MW AC and 5 MW AC. Each Distribution Company shall concurrently issue competitive solicitations of Solar Tariff Generation Units sized 1 MW to 5 MW, collectively seeking approximately 100 MW statewide. The Distribution Companies will individually procure energy, RPS Class I Renewable Generation Attributes, and any Environmental Attributes associated with the solar photovoltaic generation produced by the Solar Tariff Generation Units, provided, however, that compensation for energy will be established and paid pursuant to tariffs approved by the DPU under 220 CMR 8.00 *Sales of Electricity by Qualifying Facilities and On-site Generating Facilities to Distribution Companies, and Sales of Electricity by Distribution Companies to Qualifying Facilities and On-site Generating Facilities.*

1. Schedule for Procurement. A request for proposals to conduct the competitive procurement must be developed by the Distribution Companies, in consultation with the Department, subject to DPU approval, if necessary, no later than October 24, 2017. Once issued by the Distribution Companies, the request for proposals shall remain open for 15 Business Days and proposals submitted by Owners or their Authorized Agents shall be reviewed in consultation with the Department. A bidder conference to address any questions surrounding the request for proposals shall be held by the Distribution Companies no later than 10 Business Days before the deadline to submit proposals. Final decisions on proposal selection shall be made within 25 Business Days of the close of the request for proposals.

2. Eligibility Criteria. Solar Tariff Generation Units that participate in the procurement shall:

- a. seek a Base Compensation Rate not to exceed the Ceiling Prices established in 225 CMR 20.07(3)(a)4.;
- b. not be eligible to receive Compensation Rate Adders under 225 CMR 20.07(4);
- c. be a Non-Net Metered Generation Unit;
- d. provide an executed Interconnection Service Agreement, as tendered by the Distribution Company;
- e. demonstrate a sufficient interest in real estate or other contractual right to construct the Generation Unit at the location specified in the Interconnection Service Agreement;
- f. provide all necessary governmental permits and approvals to construct the Solar Tariff Generation Unit with the exception of ministerial permits, such as a building

- permit, and notwithstanding any pending legal challenge(s) to one or more permits or approvals;
- g. meet all other applicable eligibility criteria in 225 CMR 20.00;
- h. certify that if selected, they will not be eligible to withdraw their proposal and reapply under a Capacity Block until 800 MW of Solar Tariff Generation Units have received a Statement of Qualification under 225 CMR 20.00;
- i. provide a performance guarantee deposit at the time of bid submittal to the Distribution Company or the Solar Program Administrator, the amount and parameters of which shall be established in consultation with the Department, but which shall not exceed \$25 per kW of capacity. Any Generation Unit that is not selected or declines an award shall have its deposit refunded. Additionally, any Solar Tariff Generation Unit that is selected and chooses to move forward shall have its deposit refunded provided it is constructed within 12 months of the SMART Program Effective Date;
- j. certify that the Solar Tariff Generation Unit is bidding independently and has no knowledge of non-public information associated with a proposal being submitted by another party in response to the request for proposals other than a response submitted by an affiliate of that bidder or for a project in which that bidder is also a project proponent or participant; and
- k. comply with other price and non-price eligibility threshold criteria as required by the Distribution Companies in their request for proposals, developed in consultation with the Department.
3. Review Criteria. All proposals must demonstrate that the Solar Tariff Generation Unit(s) will meet all eligibility criteria to receive a Statement of Qualification under 225 CMR 20.05(5)(a) and (e) and meet the eligibility criteria set forth in 225 CMR 20.07(3)(a)2.
4. Ceiling Prices. Proposals submitted by Owners or their Authorized Agents under the request for proposals shall not be considered eligible for consideration if they request a Base Compensation Rate higher than the Ceiling Price for their applicable size category. For Solar Tariff Generation Units with a capacity between 1 MW and 5 MW, the Ceiling Price shall be \$0.17 per kWh.
5. Selection Process. Proposals that meet the eligibility criteria in 225 CMR 20.07(3)(a)2. shall be ranked by requested Base Compensation Rate, with proposals requesting lower Base Compensation Rates being given preference over those requesting higher Base Compensation Rates. After proposals have been ranked by price, each Distribution Company shall select any eligible proposals up to the amount of MW being solicited by the Distribution Company, which will be eligible to receive a Base Compensation Rate equal to the Clearing Price.
6. Greenfield Subtractors. A Solar Tariff Generation Unit selected under the procurement will have a Greenfield Subtractor, as established in 225 CMR 20.07(4)(f), applied to its Base Compensation Rate, if applicable.
7. Post Selection Requirements. In order to be eligible to receive compensation following the procurement, Solar Tariff Generation Units with selected proposals that were previously qualified as Solar Carve-out II Renewable Generation Units must notify the Department of the Solar Carve-out II Renewable Generation Unit's forfeiture of its RPS Class I Statement of Qualification within 15 days of selection.
8. Clearing Price. The Clearing Price for Solar Tariff Generation Units with capacities between 1 MW and 5 MW shall be equal to the highest requested Base Compensation Rate among the selected proposals and shall be established separately for each Distribution Company. A Clearing Price may not exceed the Ceiling Prices established in 225 CMR 20.07(3)(a)4.

9. Proportional Allotment. Each Distribution Company shall solicit for an amount of capacity equal to up to one half of its first Capacity Block, as established pursuant to 225 CMR 20.05(3).

10. Confidentiality. The Distribution Company and the Department, to the extent authorized by law, will treat all proposals received from prospective Solar Tariff Generation Units in a confidential manner and will use reasonable efforts, except as required by law, not to disclose such information to any third party or use such information for any purpose other than in connection with the evaluation of a Solar Tariff Generation Unit's participation in the procurement process described in 225 CMR 20.07(3).

11. Payment and Cost Recovery. All Solar Tariff Generation Units selected *via* the procurement process shall only be eligible to receive compensation from the Distribution Companies subject to DPU and any other appropriate jurisdictional regulatory bodies' approval of a tariff.

12. Termination of Solicitation. If the Department, in consultation with the Distribution Companies, determines that reasonable proposals were not received or that the solicitation was not competitive, the Department may terminate the solicitation, and may require additional solicitations or administratively set a clearing price and initial Base Compensation Rate to fulfill the requirements of 225 CMR 20.07(3)(a).

13. Additional Solicitation Parameters. If the Department terminates the solicitation and chooses to issue a new solicitation, pursuant to 225 CMR 20.07(3)(a)12., any subsequent solicitation may rank proposals using a different methodology and establish pricing differently than the processes outlined in 225 CMR 20.07(3)(a)8. and 225 CMR 20.07(3)(b). Such methodologies shall be included in any subsequent request for proposals issued by the Distribution Companies, in consultation with the Department.

14. Unallocated Capacity. Should a Distribution Company not procure the full amount of capacity it must solicit, as described in 225 CMR 20.07(3)(a)9., the Department may allocate any remaining capacity to a future Capacity Block.

15. Miscellaneous. Other requirements, procedures, and eligibility criteria may be specified by the Distribution Companies in their requests for proposals, as developed in consultation with the Department.

(b) Block 1 Base Compensation Rates. For the purposes of establishing Base Compensation Rates for each Distribution Company under the Capacity Blocks established in 225 CMR 20.05(3), the Department shall calculate the mean price of all proposals selected in a Distribution Company's service territory under the competitive procurement process in 225 CMR 20.07(3)(a). This average price shall be the Base Compensation Rate for all projects that receive a Statement of Qualification under the first Capacity Block in a Distribution Company's service territory. If a Distribution Company receives insufficient bids for the Department to calculate a mean price for its service territory, the Department may require additional solicitations or administratively set the Base Compensation Rate for its first Capacity Block.

(c) Indices for Solar Tariff Generation Units equal to or less than one MW AC. Initial Base Compensation Rates for Solar Tariff Generation Units with capacities equal to or less than one MW AC will be established by multiplying the Block 1 Base Compensation Rate established under 225 CMR 20.07(3)(b) by the percentages in the following table:

Generation Unit Capacity	Base Compensation Rate Factor
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(d) Solar Tracking Adder. A Solar Tariff Generation Unit that follows the path of the sun to maximize the solar radiation incident on the PV surface with a two-axis array that points the system directly at the sun at all times and is designed to maximize possible daily energy shall be eligible to receive an additional \$0.01/kWh Compensation Rate Adder.

(e) Pollinator Adder. A Solar Tariff Generation Unit that obtains and maintains at least a silver certification from the University of Massachusetts Clean Energy Extension Pollinator-Friendly Certification Program, or other equivalent certification as determined by the Department, shall be eligible to receive an additional \$0.0025/kWh Compensation Rate Adder.

(f) Combining Base Compensation Rates and Compensation Rate Adders.

1. A Solar Tariff Generation Unit with a capacity of 25 kW AC or less may only combine its Base Compensation Rate with the Energy Storage Adder, provided it meets the eligibility criteria in of 225 CMR 20.06(1)(e). A Solar Tariff Generation Unit with a capacity larger than 25 kW AC can combine its Base Compensation Rate with no more than one Compensation Rate Adder from each of the five categories listed in 225 CMR 20.07(4)(a) through (e), provided it meets the eligibility criteria to qualify for each of the Compensation Rate Adders.

2. For Solar Tariff Generation Units with a capacity of greater than 25 kW AC, no combination of a Base Compensation Rate and Compensation Rate Adders can exceed the Base Compensation Rate for Low Income Solar Tariff Generation Units less than or equal to 25 kW AC established under 225 CMR 20.07(3)(b).

(g) Greenfield Subtractors. A Solar Tariff Generation Unit that is classified as Category 2 Land Use or Category 3 Land Use, as prescribed in 225 CMR 20.05(5)(e)2. or 3., shall have value subtracted from its all-in Compensation Rate as follows:

1. Category 2 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 2 Land Use, as prescribed in 225 CMR 20.05(5)(e)3. or that meets the exception established in 20.05(5)(e)1.c, shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.0005/kWh per acre of land that the Solar Tariff Generation Unit occupies.

2. Post Publication Date Category 2 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 2 Land Use, as prescribed in 225 CMR 20.05(5)(e)3 and 20.05(5)(e)7.b, after the Publication Date shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.00125/kWh per acre of land that the Solar Tariff Generation Unit occupies.

3. Category 3 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 3 Land Use, as prescribed in 225 CMR 20.05(5)(e)4., or that meets the exception established in 20.05(5)(e)1.c, shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.001/kWh per acre of land that the Solar Tariff Generation Unit occupies.

4. Post Publication Date Category 3 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 3 Land Use, as prescribed in 225 CMR 20.05(5)(e)4 after the Publication Date shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.0025/kWh per acre of land that the Solar Tariff Generation Unit occupies.

5. Exceptions to Greenfield Subtractors. A Solar Tariff Generation Unit that is classified as Category 2 Land Use or Category 3 Land Use, as prescribed in 225 CMR 20.05(5)(e)3. or 4., or 225 CMR 20.05(5)(e)7 shall not have its Base Compensation Rate reduced by a

Greenfield Subtractor, as prescribed in 225 CMR 20.07(4)(g), if it can demonstrate to the Department's satisfaction that:

- a. documentation required to meet the criteria set forth in 225 CMR 20.06(1)(c) was obtained prior to June 5, 2017; or
- b. it should be granted an exception to the provisions of 225 CMR 20.07(4)(g) for good cause.

6. Determination of Acreage of Land Occupied. For the purposes of 225 CMR 20.07(4)(g)1 through 4, the acreage of land that a Solar Tariff Generation Unit occupies shall be determined by calculating the square footage occupied by the solar photovoltaic modules that are part of the Solar Tariff Generation Unit.

(5) Review of Compensation Rates. Upon issuing Statements of Qualification for 400 MW of Solar Tariff Generation Units, the Department will conduct a review of the Base Compensation Rates, Compensation Rate Adders, and overall cost impact to ratepayers to determine if any revisions to the SMART Program are necessary. The Department may conduct additional review(s) of these factors at its sole discretion to determine if any additional revisions to the SMART Program are necessary.

#### 20.08 Calculation of Incentive Payments for Solar Tariff Generation Units

(1) Calculation of Incentive Payments for Standalone Solar Tariff Generation Units. Any payments provided to the Owner of a Standalone Solar Tariff Generation Unit, which meets the criteria of 225 CMR 20.08(1)(a) or (b), will be equal to total of the Solar Tariff Generation Unit's Base Compensation Rate plus any Compensation Rate Adders minus any Greenfield Subtractor, multiplied by the total kWh generated by the Solar Tariff Generation Unit in the Distribution Company billing period, minus the value of the energy generated by the Solar Tariff Generation Unit in a Distribution Company billing period.

##### *Solar Incentive Payment*

$$\begin{aligned} &= (\text{Base Compensation Rate} + \text{Compensation Rate Adders} \\ &\quad - \text{Greenfield Subtractor}) * \text{total kWh generated} \\ &\quad - \text{value of energy generated} \end{aligned}$$

(a) Value of Energy Generated for Standalone Solar Tariff Generation Units Receiving Bill Credits. The methodology for calculating the value of the energy generated by a Standalone Solar Tariff Generation Unit that receives a bill credit is dependent on whether it is qualified as a Net Metered Generation Unit or as an Alternative On-Bill Credit Generation Unit and will be determined as follows:

1. Net Metered Generation Unit. The value of energy for a Net Metered Generation Unit shall be equal to the total kWh generated during a utility billing period multiplied by the Solar Tariff Generation Unit's applicable net metering credit, as established in M.G.L. c. 164, § 138.

##### *Net Metered Generation Unit Energy Value*

$$= \text{total kWh Generated} * \text{net metering credit rate}$$

2. Alternative On-Bill Credit Generation Unit. The value of energy for an Alternative On-Bill Credit Generation Unit shall be equal to the total kWh generated during a utility billing

period multiplied by the Solar Tariff Generation Unit's applicable credit value under its applicable tariff structure.

$$\begin{aligned} & \text{Alternative On Bill Credit Generation Unit energy value} \\ & = \text{total kWh generated} * \text{energy compensation rate} \end{aligned}$$

(b) Value of Energy Generated for Non-Net Metered Generation Units. The value of energy for a Non-Net Metered Generation Unit shall be equal to its total compensation received from a Distribution Company as a State Qualifying Facility under 220 CMR 8.00: *Sales of Electricity by Qualifying Facilities and On-site Generating Facilities to Distribution Companies, and Sales of Electricity by Distribution Companies to Qualifying Facilities and On-site Generating Facilities.*

$$\begin{aligned} & \text{Non Net Metered Generation Unit energy value} \\ & = \text{total kWh generated} * \text{State Qualifying Facility value} \end{aligned}$$

(2) Calculation of Incentive Payments for Behind-the-Meter Solar Tariff Generation Unit. Payments provided to the Owner of a Behind-the-Meter Solar Tariff Generation Unit by a Distribution Company for RPS Class I Renewable Generation Attributes and Environmental Attributes will be fixed at the point in time that a Solar Tariff Generation Unit receives its Statement of Qualification for the duration that the Solar Tariff Generation Unit is eligible under 225 CMR 20.00 and shall be equal to the total Solar Tariff Generation Unit's Base Compensation Rate plus any Compensation Rate Adders minus any Greenfield Subtractor, multiplied by the total kWh generated by the Solar Tariff Generation Unit in the utility billing period, minus the sum of the Owner's current distribution kWh charge, current transmission kWh charge, current transition kWh charge, and the average of the basic service kWh charge in the prior three calendar years

$$\begin{aligned} & \text{Behind the Meter Solar Tariff Generation Unit Compensation Rate} \\ & = (\text{Capacity Based Rate} + \text{Compensation Rate Adders} \\ & \quad - \text{Greenfield Subtractor}) \\ & \quad - (\text{distribution kWh charge} + \text{transmission kWh charge} \\ & \quad + \text{transition kWh charge} \\ & \quad + \text{three year average of basic service kWh charge}) \end{aligned}$$

(3) Calculation of Incentive Payments for Behind-the-Meter Solar Tariff Generation Unit. Payments provided to the Owner of a Behind-the-Meter Solar Tariff Generation Unit served by a SMART Tariff by a Distribution Company for RPS Class I Renewable Generation Attributes and Environmental Attributes will be fixed at the point in time that a Solar Tariff Generation Unit receives its Statement of Qualification for the duration that the Solar Tariff Generation Unit is eligible under 225 CMR 20.00 and shall be equal to the kWh generated by the Solar Tariff Generation Unit in the utility billing period multiplied by the Behind the Meter Solar Tariff Generation Unit Compensation Rate. The Behind the Meter Solar Tariff Generation Unit Compensation Rate shall be the sum total of the Solar Tariff Generation Unit's Base Compensation Rate plus any Compensation Rate Adders minus any Greenfield Subtractor, minus sixty five percent (0.65) of the sum total of the average of the basic service kWh charge in the three prior calendar years, current distribution kWh charge, current transmission kWh charge, and current transition kWh charge, plus thirty five percent (0.35) of the average of the basic service kWh charge in the prior three calendar years, as of the date of the Solar Tariff Generation Unit's preliminary Statement of Qualification.

$$\begin{aligned}
& \text{Behind the Meter Solar Tariff Generation Unit Compensation Rate} \\
& = (\text{Capacity Based Rate} + \text{Compensation Rate Adders} \\
& \quad - \text{Greenfield Subtractor}) \\
& - [0.65(\text{three year average of basic service kWh charge} \\
& \quad + \text{distribution kWh charge} + \text{transmission kWh charge} \\
& \quad + \text{transition kWh charge}) \\
& \quad + 0.35(\text{three year average of basic service kWh charge})]
\end{aligned}$$

#### 20.09 Solar Program Administrator.

The Department shall determine if it is necessary for the Distribution Companies to issue a request for proposals to procure an independent Solar Program Administrator that will be responsible for providing some or all of the following services by no later than July 5, 2017:

- (1) receiving Statement of Qualification Applications;
- (2) coordinating with the Department and the Distribution Companies to issue Statements of Qualification to Solar Tariff Generation Units;
- (3) coordinating, receiving, and reviewing the requests for proposals under 225 CMR 20.07(3)(a).
- (3) acting as the Independent Verifier for all Non-NEPOOL Market Assets, pursuant to 225 CMR 20.05(6)(c); and
- (4) any other duties prescribed in a request for proposals.

#### 20.10 : Inspection

(1) Document Inspection. The Department may audit the accuracy of all information submitted pursuant to 225 CMR 20.00. The Department may request and obtain from any Owner or Authorized Agent of a Solar Tariff Generation Unit, and from any Distribution Company information that the Department determines necessary to monitor compliance with and enforcement of 225 CMR 20.00.

(2) Audit and Site Inspection. Upon reasonable notice to a Solar Tariff Generation Unit Owner, or Authorized Agent, the Department may conduct audits, which may include inspection and copying of records and/or site visits to a Solar Tariff Generation Unit's facilities, including, but not limited to, all files and documents that the Department determines are related to compliance with 225 CMR 20.00.

#### 20.11 : Non-compliance

Any Distribution Company, Owner, or Authorized Agent of a Solar Tariff Generation Unit that fails to comply with the requirements of 225 CMR 20.00 and accompanying Guidelines shall be subject to the provisions in 225 CMR 20.11(1) through (3).

(1) Notice of Non-compliance. A failure to substantially comply with the requirements of 225 CMR 20.00 and accompanying Guidelines shall be determined by the Department on a case by case basis.



A written Notice of Non-compliance shall be prepared and delivered by the Department to any Distribution Company, Owner, or Authorized Agent of a Solar Tariff Generation Unit that fails to comply with the requirements of 225 CMR 20.00, and to the DPU, as applicable. The Notice of Non-compliance shall describe the requirement(s) with which the Distribution Company, Owner, or Authorized Agent failed to comply and the time period of such non-compliance.

(2) Publication of Notice of Non-compliance. A Notice of Non-compliance may be published on the Department's website and in any other media deemed appropriate by the Department. Such publication may remain posted until the Distribution Company, Owner, or Authorized Agent returns to compliance as determined by the Department.

(3) Suspension or Revocation of Statement of Qualification. The Department may suspend or revoke a Statement of Qualification if the Owner of a Solar Tariff Generation Unit or Authorized Agent of the Owner fails to comply with any provisions in 225 CMR 20.00.

#### 20.12 : Severability

If any provision of 225 CMR 20.00 is declared invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

#### REGULATORY AUTHORITY

225 CMR 20.00: St. 2016, c. 75, § 11 and M.G.L. c. 25A, § 6.