

COMMENTS OF BROOKFIELD RENEWABLE ON SOLAR
MASSACHUSETTS RENEWABLE TARGET (SMART)
PROGRAM EMERGENCY REGULATION

Brookfield Renewable¹ submits these comments in response to the Department of Energy Resources' (DOER) SMART Program Emergency Regulation, filed April 14, 2020, and the May 13, 2020 Virtual Tutorial. Brookfield Renewable appreciates the DOER's efforts to date on implementing the SMART Program, including the 400 MW Review and subsequent Program expansion established through the Emergency Regulation.

In recent years, several SREC I and SREC II Generation Units have experienced challenges to continued operations and maintenance due to system age and industry supply chain attrition, among other issues. For certain SREC I and SREC II Generation Units, these challenges – including operating with now-obsolete inverters or solar panels that, due to bankruptcy filings by several Original Equipment Manufacturers, are difficult and costly to service – require consideration of system enhancements and even replacement. Brookfield Renewable believes the implementation and expansion of the SMART Program can facilitate investment in and modernization of existing troubled SREC I and SREC II Generation Units, thereby assuring the continued availability and benefits of these solar sites for decades more. Designing the SMART Program to facilitate the continued operation and optimization of existing distributed solar generation sites throughout the Commonwealth will help ensure the DOER adequately promotes efficient land use alongside the achievement of Massachusetts' renewable energy and climate

¹ Brookfield Renewable's presence in New England includes over 1,300MW of carbon-free resources in ISO-NE and a further 1,000MW that can be imported to New England from New York and Quebec. Our renewable hydro, wind and pumped storage resources are available to help meet the energy needs and environmental objectives of Massachusetts and the surrounding region. In Massachusetts, our facilities include a 600MW pumped storage facility (Bear Swamp) and a 10MW hydroelectric facility (Fife Brook), as well as our North American System Control Center in Marlborough. Brookfield Renewable is affiliated with TerraForm Power, Inc, which is an owner and operator of more than 3,700 MW of renewable energy resources, including solar and wind assets in North America and Western Europe. Within the ISO-NE region, TerraForm owns and operates approximately 217 MW of wind generation and 135 MW of distributed solar resources.

policy goals. With these outcomes in mind, Brookfield Renewable seeks clarification on several provisions included in the SMART Regulation.

- 225 CMR 20.05(5)(b) states that “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*” (emphasis added). Brookfield Renewable understands this to be a limitation specific to SREC I or SREC II capacity that remains operational. However, the language provides apparent flexibility to qualify a SREC I or SREC II Generating Unit as an eligible Solar Tariff Generation Unit if the facility is *repowered* on or after January 1, 2018. As envisioned, the SREC I or SREC II Generation Unit would be taken offline and undergo repowering work including the replacement of panels, inverter and major electrical balance of system, as well as modifications to the existing racking structures as applicable. Once repowered and effectively a new resource, the facility would no longer receive compensation under the SREC I or SREC II Programs but would instead qualify for SMART Program Incentive Payments for a 20-year term that commences on the repowered Commercial Operation Date. Brookfield Renewable requests that the DOER confirm that the interpretation and repowering scenario described is consistent with the language in 225 CMR 20.05(5)(b) and the broader framework of the SMART Regulation.
- Brookfield Renewable similarly requests clarification regarding the treatment of a facility or installation consisting of SREC I or SREC II Generation Units that undergoes a repowering on or after January 1, 2018 where the resulting aggregate capacity of the facility or installation exceeds the initial Statement of Qualification Application (SQA) of the facility. In this scenario, Brookfield Renewable believes it is possible, working with and subject to the approval of the local electric distribution company, to configure the system design such that the original system capacity and incremental system capacity is independently metered but interconnected together at the original point of interconnection. A review of the DOER’s updated *Guideline Regarding Land Use, Siting, and Project Segmentation* (Guideline) indicates this scenario has been contemplated and

the DOER will treat the incremental capacity at a facility or installation containing SREC I or SREC II Generation Units as SMART-eligible while the capacity tied to the initial SREC I or SREC II SQA will maintain its SREC I or SREC II status. Specifically, Section 6 of the DOER's Guideline states that "If a generation unit previously qualified as a Solar Carve-out Renewable Generation Unit or Solar Carve-out Renewable Generation Unit subject to 225 CMR 14.00 is sited on the property, *that capacity and qualification shall not impact the qualification of any STGU qualified on the same parcel or a contiguous parcel*" (emphasis added). Brookfield Renewable requests confirmation of its interpretation of the Guideline, including that the configuration described would allow the initial system capacity, once repowered, to maintain eligibility under the SREC I or SREC II Program, with the additional separately-metered capacity qualifying as eligible for the SMART Program and associated Incentive Payments.

- The Emergency Regulation establishes new land use provisions, including designating a Solar Tariff Generation Unit that is sited on "previously developed" land, as described in 225 CMR 20.05(5)(e), as Category 1 Land Use. Although a reasonable interpretation of "previously developed" – which the Regulation indicates "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" – suggests the inclusion of land that has been previously utilized for the development and operation of distributed solar generation, the Regulation does not explicitly provide this guidance. Therefore, Brookfield Renewable requests clarification that the "previously developed" language and associated Category 1 Land Use designation would include eligible SMART capacity located on land utilized by a SREC I or SREC II Generation Unit. To the extent this has not been contemplated, we urge its inclusion as a means to ensure efficiency in land use allocation.

Brookfield Renewable appreciates the DOER's consideration of these comments and the questions included. We look forward to continuing to support the Commonwealth on its efforts to decarbonize the electricity mix, including expanding the reliance on renewable energy and energy storage systems.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steve Zuretti", with a stylized flourish at the end.

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