

BERKSHIRE REGIONAL PLANNING COMMISSION
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201

TELEPHONE (413) 442-1521 · FAX (413) 442-1523

Massachusetts Relay Service: TTY: 771 or 1-800-439-2370

www.berkshireplanning.org

KYLE HANLON, Chair
JOHN DUVAL, Vice-Chair
SHEILA IRVIN, Clerk
MALCOLM FICK, Treasurer

THOMAS MATUSZKO, A.I.C.P.
Executive Director

May 21, 2020

Kathleen Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
Attn: Alex Stryisky
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Solar Massachusetts Renewable Target “SMART” Emergency Regulations 225 CMR 20.00

Dear Secretary Theoharides:

The Berkshire Regional Planning Commission (BRPC) is pleased to submit comments on the Department of Energy Resources (DOER) SMART Emergency Regulations 225 CMR 20.00. BRPC appreciates the efforts of DOER to make improvements to the SMART Program. While we are supportive of solar development in general, including the expanded capacity available to both Eversource West and Eversource East under one Capacity Block, we do have concerns regarding the 1600MW expansion and the types of projects developed.

Our priorities are solar on rooftops, landfills and Brownfields. Recent analysis indicates that 54.76% of the largest solar installations within Berkshire County are being developed on forested land alone. We appreciate the expansion of ineligible land use areas to include Core Habitat, Critical Natural Landscape, and Priority Habitat. However, we are concerned that the economics favor forested land, greenspace and agricultural land and that this trend will continue. We are also concerned that the merging of the two regions in allotted capacity could have the unintended consequence of creating development pressure on the Western part of the state, especially if the adders and subtractors are not strengthened.

BRPC offers the following comments based upon the topic areas that were previously highlighted within DOER’s 400MW Review and Straw Proposal:

Steer Development Away from Undeveloped Spaces

BRPC is supportive of the efforts of DOER to steer development away from large scale ground mounted projects in undeveloped spaces. It appears that utilizing local zoning to qualify for Category 1 has been misused and we support DOER’s proposed change that Category 1 be limited to

projects sited within a solar overlay district or that comply with established local zoning that explicitly addresses solar or power generation.

BRPC believed that the increases proposed to the subtractors for Category 2 & 3 within the straw proposal were not sufficient and the subtractors were too low in comparison with potential adders (i.e., rooftops, Brownfields and dual-use agriculture). BRPC recommended an *increase* to the subtractors for greenfield and forested land that is, at a minimum, sufficient to off-set the Community Shared Solar Adder. It appears that the proposed subtractors have been *decreased* from the amounts proposed within the straw proposal. BRPC does not agree with this change and reiterates that the subtractors for greenfield and forested land should be increased to be sufficient to off-set the Community Shared Solar Adder.

Encourage Behind the Meter Systems

Behind the meter systems provide multiple benefits, including alleviating interconnection issues and providing greater opportunities to pair solar with storage and reduce on-site demand. DOER proposes to address identified barriers by expanding the alternative on-bill credit and adjusting the value of energy calculation for behind the meter systems to incentivize behind the meter systems correctly. BRPC is supportive of efforts to remove barriers and encourage more behind-the-meter systems. The straw proposal was unclear with regard to how these proposed changes work when combined. BRPC is supportive of the changes made within the emergency regulations, which appear to result in a true incentive and do not continue to result in a perverse incentive for standalone systems.

Increase Public Off-taker Adder

BRPC supports efforts to off set the cost associated with building projects on public land by increasing the public off-taker adder, provided the public land is not open space, recreational or forested land. However, it is unclear whether the increase of \$0.04/kWh is sufficient to overcome the incremental costs associated with building on public land and provide enough value to the public entity to make the investment attractive. More information is needed to determine whether the increase is sufficient to result in positive change.

BRPC is supportive of the expansion of the Public Entity Solar Tariff Generation Unit (STGU) Sited to include *privately owned property* and is either:

- (i) Owned or operated by the Municipality in which the STGU 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 STGU is sited.

Broaden Dual Use Agriculture

BRPC is supportive of efforts to broaden dual use agriculture and allow a greater number of projects to be eligible to receive this incentive. We agree that the previous limitation to prime agricultural soil was too limited; however, we believe the change to important agricultural farmlands is still too limited. There is a significant amount of farmland appropriate for dual use systems that would not fall into this category. We recommend that alternative language be considered and that agriculture is defined by yield and the viability of continued agricultural use rather than the proposed definition of important agricultural farmlands. In addition, we recommend that there be a requirement for dual use agricultural systems to demonstrate the continued yield and viability of the agricultural operations after installation.

Increase Low Income Benefits and Participation

BRPC appreciates DOER's efforts to increase low income participation and is supportive of the low income set-aside that was not included within the straw proposal. In addition, BRPC is supportive of the requirement to demonstrate that eligible Low Income Customers receive a net savings by enrolling in the solar contract served by the STGU. However, it does not appear that DOER has proposed any changes to address barriers associated with older homes and rental properties. Including roof repair within the total project cost for solar installation and making funds available for improvements to roofs to allow for solar installation would be first steps to increase participation. Providing incentives for landlords and ensuring that a portion of the incentive is passed on to tenants could begin to address the low-income renter population.

Overall, BRPC supports the encouragement of solar plus storage, the strengthening of consumer protection standards, adjustment of rules for replacement systems, and adjustments to community shared solar as proposed. BRPC supports DOER's position that STGU cannot be sited on a parcel with 50% or more of its area designated as Priority Habitat, Core Habitat, or Critical Natural Landscape. However, we are concerned about the potential for abuse and suggest that such parcels remain ineligible for STGU if subdivided within 3 years prior to application. In addition, BRPC is concerned that interconnection fees have been a significant barrier within Berkshire County. We recognize that encouraging behind the meter systems and solar plus storage projects may address some issues with regard to interconnection fees. However, we encourage DOER to examine this issue more thoroughly to better address this issue for all projects.

These comments were approved by the Berkshire Regional Commission at their meeting on May 21, 2020.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas Matuszko', with a stylized flourish at the end.

Thomas Matuszko, AICP
Executive Director