



WRITTEN COMMENTS OF THE HOUSING ASSISTANCE CORPORATION
 SMART Emergency Regulations
 May 20, 2020

***Impact of SMART Emergency Regulations
 on the development of a solar project in Sandwich, MA***

In 2018, Housing Assistance Corporation (HAC), a private nonprofit organization serving homeless and moderate-income households, began a process to assess the highest and best use of a 46.73-acre property in Sandwich. HAC purchased the land in 1999. At that point in time the land was to be for housing. After years of controversy around a housing development, the land was deemed a better site for industrial use. As a provider of housing and homeless services, HAC wanted the land to be used in a way that would ultimately serve its mission and clients. Because of the unique location sandwiched between a residential zone and industrial zone, HAC pursued a solar farm. We consulted with the town and other high-level legislators who guided us on moving forward with this idea stating it would be the least intrusive to the neighbors and habitat while bringing benefiting the region with a passive income stream to be used to advance the mission of Housing Assistance.

Since solar is not our expertise, HAC hired a consultant to ensure an RFP fitting for the land and the town of Sandwich would be solicited. In early 2019, Housing Assistance and Lodestar Energy, LLC (“Lodestar”) a Connecticut-based solar developer, entered into an agreement for the development of a solar facility on HAC-owned property in Sandwich, MA. HAC spent thousands of dollars on expert attorneys to negotiate a sound and just contract with Lodestar. Both organizations spent weeks ensuring the project, timeline, and feasibility of the project were not just doable but suitable for the community. Housing Assistance had no desire to put forth a project that would be unpalatable to town officials or residents so was extraordinarily cautious in picking a vendor with sound experience and business practices as well as in determining the scope of the project.

Unfortunately, this project will no longer be viable under the siting regulations in the new emergency rules that prohibit development in a Critical Natural Landscape Block (“CNL”). Additionally, a nonprofit that serves the most vulnerable in our community will be out tens of thousands of dollars due to an abrupt change in regulations in the midst of our solar development project. Although, we support the solar industry’s proposed changes to the regulations that allow certain projects to avoid these siting regulations, we ask that consideration be given to projects underway that are negatively impacted at no fault of their own, in recognition of the development issues that we highlight below.



At the beginning of the Sandwich project’s development, Lodestar explained that the first step in solar development is the execution of an interconnection service agreement (“ISA”) with



Eversource East, as the costs of interconnection upgrades are an unknown variable that can prevent a project from moving forward. Completion of surveying, engineering and permitting the project would be on hold until we had an ISA, as the costs of those development processes can be substantial and would be a risk given the unknown interconnection costs.

Lodestar submitted an application to interconnect to Eversource East in April, 2019, and was placed behind other projects in the interconnection queue. In July, 2019, our project was at the top of the queue and ready to commence its initial review. Due to delays with other projects that were ahead of our ours in the queue, and delays at the utility, Lodestar did not receive its Impact Study Agreement until September. Lodestar provided funding and a signed Study Agreement on October 4th, 2019. Despite Lodestar's continued requests, an e-mail with summary results of the study, not a complete SIS with any upgrade cost figures, was not provided until January 9th, 2020, well beyond Eversource's allotted time frame of 55 days. At this time, Eversource East required a Dynamic ROI/TOV Study -- which Lodestar promptly paid for immediately. Lodestar noted that Eversource East is requiring these "Dynamic Studies" for almost every project -- causing massive delays across their interconnection queue.

Lodestar paid for the Dynamic Study, which cost \$17,000, and returned the study agreement on February 4th, 2020. As of today, final results of this Dynamic Study are still not available. Furthermore, no cost estimate regarding the interconnection upgrades has been produced by Eversource. **Due to the slow pace of processing by Eversource, Lodestar and HAC have still not received an ISA more than a year after initially applying, and thus have not been able to confidently proceed with acquiring all of the non-ministerial permits for the project.**

Nevertheless, Lodestar and HAC have continued to develop the project and have spent more than \$70,000 on the project thus far. Under the original SMART regulations, this project would have no issues qualifying, and we expected to apply for one of the original Eversource East SMART blocks in the next few months. However, with the new siting restrictions under the Emergency regulation, this project would not be allowed to qualify for SMART, due to its location in a CNL Block. The CNL regulation is especially onerous for this project given that the property is industrially zoned and has other developments on all sides of the property.

We feel that HAC and Lodestar should not be punished for Eversource's incredibly slow pace of processing applications, impact studies, and additionally engineering studies. From our understanding, Lodestar and other solar developers are proposing two fixes to DOER's new regulations, both of which HAC supports whole-heartedly:

- Amend the language of the emergency rulemaking to clarify that any new siting-related regulations are applicable only to projects qualifying for Capacity Block 9-16. This will eliminate the harmful impact on projects currently under development in the Eversource East territory that have been working under the understanding of the previous regulations.





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- Expand the grandfathering exception under the new rules for projects that reasonably should have had their ISA's by the Emergency Regulations Publication Date, if the utilities had been processing applications in their regulated timeframes. This clause would be applicable to projects with interconnection applications prior to approximately October 15, 2019.

I feel these edits are fair to developers and landowners alike. The implementation of these changes will allow our project, which is located in an industrial area of Sandwich and has support from local authorities, to proceed. Further, when quarantining at home is the best intervention for COVID19 we see how important housing is in our community – especially for those with fewer resources. Decisions made here go beyond a typical solar farm or land use considerations and will impact Cape Cod residents who now more than ever need housing resources to stay safely housed.

Please feel free to contact me with any questions alisa@haconcapecod.org

Sincerely,

DocuSigned by:

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Alisa Magnotta
CEO and President

