



WRITTEN COMMENTS OF LODESTAR ENERGY, LLC
SMART Emergency Regulations
June 1st, 2020

Since 2015, Lodestar Energy has developed or co-developed 55 MW-DC of ground-mounted, rooftop and canopy solar facilities in the Commonwealth of Massachusetts, plus 12 MW-dc of similar facilities in neighboring states. We appreciate this opportunity to comment on DOER's SMART Emergency Regulations.

Applicability of New Regulations to Original SMART Program Blocks in Eversource East

We feel that applying the various siting regulations to projects that will qualify for Blocks 1-8 in Eversource East is an error in DOER's regulation. **DOER should not be changing the rules for projects that qualify for one of the original 8 SMART base-rate blocks, as the regulations surrounding the initial allocation have been in place and planned around since late 2018. Developers, like Lodestar, have been continuing to work on projects in Eversource East territory with the full intent to qualify under the original program rules. To have the rules change now, in the middle of our development cycle, is extremely unfair.**

As an example, Lodestar has been working to qualify a project in Eversource East since April, 2019. This project in Sandwich, MA, is in cooperation with the Cape Cod Housing Assistance Corporation ("HAC"). Due to the slow pace of processing by Eversource, Lodestar has not yet received an ISA, which means Lodestar has not pursued acquisition all of its non-ministerial permits for the project.

Nevertheless, Lodestar has continued to develop the project and has spent more than \$30,000 on the project. 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 Natural Landscape Block.

DOER's proposal for a 6-month grace period, while recognizing the impact of its policies on late-stage projects, does not reflect the reality of the development process

DOER clearly understands that it needs to allow a grace-period, as it allows for an exception to 20.05(5)(e)1(b) for projects that meet requirements 225 CMR 20.06(1)(c) 2 [site control] and 225 CMR 20.06(1)(c)3 [non-ministerial permits] as of the Publication Date, and obtain their ISA within 6 months. However, DOER is failing to understand that for most large-scale solar developments, **the ISA precedes the obtaining of non-ministerial permits.** DOER should revise this language to allow for an exception for projects that should have received an ISA by the promulgation of the new rules. This would allow

projects that submitted an interconnection application prior to October 15th, 2019, to qualify for an exception to the new siting regulations.

Like many others, Lodestar has been delaying committing fully to the expense of permitting projects due to the delay we have seen from Eversource East in receiving an ISA. Developers should not be punished for Eversource's slow pace in processing applications.

DOER is superseding local regulatory authorities

We understand DOER's desire to limit the negative impacts of solar siting on greenfields. Still, applying strict siting rules that prevent any sort of development in certain areas is ignoring the regulations in place at the state and local level. It should be up to local AHJs to determine where they would allow solar developments, not DOER. Put simply, DOER is saying that they know better than the Cape Cod Commission and the Town, which is an extreme overstep.

For Lodestar's Sandwich project, the Town of Sandwich and Cape Cod Commission have given preliminary indications that the project will comply with all of their regulations. DOER should not supersede these local jurisdictions, which are more in-tune with the local realities on the ground. At a minimum, DOER should allow for a case-by-case review, as currently exists at the Connecticut Siting Council, if it wishes to control the permitting process for solar projects.

Natural Landscape blocks prevent development in large areas of the state, despite no state or local regulation that addresses these blocks. As compared to a rare species which has protection by NHESP or wetlands, which have protection by local Conservation Commissions, Natural Landscape Blocks generally have no local or statewide regulations surrounding their impact. Yet DOER has felt the need to protect these areas - despite no other developments being specifically prohibited in them.

Local zoning bylaws should be the governing authority of the natural spaces, as these bylaws local characteristics rather than applying a state-wide standard to diverse locations. For example, the landscape block that the HAC property falls in has a number of other developments - including a large gravel pit, golf course, and many residential neighborhoods. These are allowed uses by the Town of Sandwich, as is solar in this area. Furthermore, these Natural Landscape blocks are extensive: approximately 50% of the Town of Sandwich land lies in the Landscape Block. DOER should not to such an extent prevent solar development, especially when local zoning specifically allows solar development.

Please contact Dan Watson at dwatson@lodestarenergy.com if you have any questions about these comments.

Yours truly,

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