



The Commonwealth of Massachusetts  
**JOINT COMMITTEE ON TELECOMMUNICATION,  
UTILITIES, AND ENERGY**

STATE HOUSE ROOM 473-B  
BOSTON 02133-1053

Thomas A. Golden, Jr.  
House Chairman

May 29, 2020

Mr. Patrick Woodcock - Commissioner  
Department of Energy Resources  
100 Cambridge St., Suite 1020  
Boston, MA 02114

**RE: COMMENTS OF THE COMMITTEE ON THE SMART PROGRAM EMERGENCY  
REGULATIONS (225 CMR 20.00)**

Dear Commissioner Woodcock:

I would like to congratulate you, your staff, Secretary Theoharides, and Governor Baker on developing the new Solar Massachusetts Renewable Target (SMART) Program. The SMART program is a vital policy tool for supporting and developing solar energy in the Commonwealth, and these regulations intend to guide that development along the best path. After conferring with fellow Committee Members and other House Members, the following comments were brought to my attention. I believe these proposed changes will further bolster the SMART program and help move the Commonwealth forward in our clean energy future.

Land Use

In the emergency regulations, the DOER expanded ineligible land use areas to include priority habitat, core habitat, and critical natural landscape for solar projects that are not Category 1, and added a limited exception provision. Multiple stakeholders in the solar developer community have expressed that this expansion of ineligible land use will effectively cancel several shovel-ready projects, slow the growth of new projects, and be potentially counterproductive to the environmental goals that it seeks to accomplish. Existing projects have already invested a significant amount of time, capital, and resources, and this regulatory change - if implemented - will result in stranded investment, job losses, millions of dollars in foregone municipal

property taxes, and even possible commercial development of land that could have been preserved through economic incentives previously offered through the state's solar policy. I recommend that the land use restrictions are reconsidered and amended by eliminating the "critical natural landscape" from the final regulations but maintaining the prohibitions on "core habitat" and "priority habitat." Such a balance will help us preserve our natural resources in tandem with supporting a thriving solar industry.

#### Grandfathering

I also request that the DOER reconsiders the lack of grandfathering provisions for solar projects that had already submitted their applications for interconnection. Because there is no uniform Electric Distribution Company interconnection process, several projects were stuck in an overloaded interconnection pipeline. Without a grandfathering provision in the SMART emergency regulations, these projects will also experience stranded investments and the Commonwealth will lose potential jobs and municipal tax revenues. Considering the strain placed on the Commonwealth's economy by the COVID-19 pandemic, we should seek to minimize economic losses wherever possible, especially as they pertain to our renewable energy economy. I urge the DOER to consider this issue and include a grandfathering provision in the final SMART emergency regulations to ensure that the new restrictions don't begin until Block 9 and beyond, and that projects that submitted an interconnection application by October 15, 2019 are grandfathered under the old rules.

#### Base Compensation Rates

I acknowledge the Administration's and the DOER's hard work on releasing a well-intentioned and thoughtfully crafted SMART program. The unexpected delays in the roll-out of the program resulted in an extremely high participation rate at the onset of the program. While this is a fantastic sign of the strong interest that the solar industry has in the Commonwealth, it also artificially drove base compensation rates down much faster than natural cost reductions would have occurred. At the same time, we've seen federal tariffs increase, federal solar incentives decrease, and supply chains disrupted. These factors have created significant obstacles that may prevent the solar industry from committing to projects in the Commonwealth. I urge the DOER to revisit the base compensation rates for SMART, and develop a compensation mechanism that will support solar development going forward.

Once again, I would like to applaud the important work of you and your staff on the SMART program emergency regulations. Thank you again for the opportunity to offer the above comments as we steer the Commonwealth's solar policy forward during an unprecedented and critical time.

Sincerely,

A handwritten signature in blue ink, appearing to read "T.A. Golden, Jr.", with a stylized flourish at the end.

Thomas A. Golden, Jr.

cc: Kathleen A. Theoharides, Secretary, EEA