



SunRaise Investments, LLC
26 Market Square
Portsmouth, NH 03801

May 22, 2020

Department of Energy Resources
100 Cambridge Street
Suite 1020
Boston, MA 02114
Attention: Kaitlin Kelly

Re: Amendments to 225 CMR 20.00, effective April 15, 2020 - written testimony submission

To Whom It May Concern:

My name is Rebecca Perkins Kwoka, and I am General Counsel of SunRaise Investments. SunRaise is a local owner, operator, and developer of community solar and battery storage projects based in Portsmouth, NH.

Thank you for the opportunity to testify today. We appreciate the expansion of the SMART program, and hope that such expansion is able to be used, given the restrictions on land use contained in the new rules.

- We are founded by former TNC employee and watersheds organization director. Conservation is our passion and our mission.
- We wish to raise three main points: first, grandfathering on restricted land uses; second and thirdly, briefly, the greenfield subtractor and SQ administration.

SunRaise has a portfolio of projects in Mass that it has worked tirelessly on for over 2 years

- 6 of these projects are on lands that are subject to Natural Heritage restrictions – Priority Habitat, subjecting them to a requirement to place at least 1.5 acres under permanent conservation for every acre disturbed by the project
- These projects are now, under the Emergency Regulations, dead as they are on a land use that is prohibited by the new regulations.
- We are here today to ask you to save these projects, and so many like them across the Commonwealth. These projects alone would have placed over 350 acres of Priority Habitat into permanent conservation by working through the NHESP program – and they still can.
- Reasonable grandfathering of projects with Priority Habitat concerns like ours, which have been in development for well over 18 months and have had

hundreds of thousands of dollars invested in them, is good for the Commonwealth for so many reasons.

- Massachusetts has been the most minor of safe havens for developers of renewable energy – a place where there was at least one certainty – a tariff. You asked us to respond to your goal to reduce emissions, create energy security, provide energy storage, and make it all work on an old grid with limited land available. We answered that call, overcoming countless hurdles in planning boards, interconnection studies – and more interconnection studies (pause for a smile/laugh), permitting costs, engineering costs, zoning problems, stormwater concerns – just to name a few. We rode the solar coaster in Massachusetts because this market has provided at least one certainty – that our projects could be financed and built if we did our job right, after all of this effort and money spent.
- To promulgate now, 2 years into this program with countless hours and dollars invested, an emergency regulation which kills instantly almost the entire remaining pipeline we had in Massachusetts – over 35 MW in total – when it is already subject to strict conservation protections - is bad business for the Commonwealth.
- The truly disheartening part of these lands being restricted from solar use, and from jeopardizing mature solar projects in particular, is that such lands remain open for housing, commercial, or other development which does not have the pervious surface, pollinator and passive use benefits that solar does.
- **At a time where jobs, tax revenue, and certainty is needed more than ever, emergency regulations with very narrow grandfathering creates risk not only for further development by the solar community, but other industries as well if these are the kinds of sudden changes the Baker administration is comfortable with.**
- The risks of developing are great. DOER should be a stable platform on which to build the renewable industry, not yet another source of danger and uncertainty. We must all work together to meet the Commonwealth's goals, and expanding grandfathering with respect to the habitat layer restrictions is critical to doing so.
 - **Our ask is simple, and in our view reasonable: to expand the existing exception under 225 CMR 20.05(e)(1)(c) to apply to projects which have site control as of the Publication Date, and which have submitted their interconnection application at least 6 months prior to the Publication Date (as such term is defined therein).**

These changes are fair because they protect projects which have reached a state of maturity in which they are likely to “make it” to construction, though of course town permitting is never a sure thing, and nor is interconnection these days. But just speaking for ourselves, if these two changes were made, it would save 6 projects which have each worked through at least 12 months of process with Natural Heritage, incurred well into the six figures in costs per project, and are extremely likely to be built – if they can receive a financeable tariff.

We would like to present just two further short but important points.

- **First, the greenfield subtractor is a blunt tool for a nuanced problem. Towns have each spent time crafting zoning and conservation plans, so a payment-in-lieu program could provide nearly the same benefit – of preserving greenfield – while also ensuring such greenfield has conservation value.**
- **Secondly, SQs should continue to be issued on a rolling basis for the blocks which were originally established, effective immediately. To compound the extreme economic circumstances of Covid-19, the DOER should be supporting projects that have reached maturity, not holding them up.**

We will submit more comprehensive comments in written form.

These are real projects to resume projects that meet the Commonwealth's goals – not only on renewable energy, but to get municipal budgets back on track and to create jobs.

Please contact me with any questions.

Sincerely,

Rebecca Perkins Kwoka, Esq.