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Commissioner Patrick Woodcock
Massachusetts Department of Energy Resources
100 Cambridge Street
Boston, MA 02114

Re: SMART Emergency Regulations 225 CMR 20.00 – Public Comments

Dear Commissioner Woodcock,

Ameresco is a Massachusetts headquartered renewable energy company with over 100 MW installed and in development in the Commonwealth. Ameresco's successful solar development in Massachusetts is thanks to the efforts of Department of Energy Resources (DOER) to design effective solar incentive programs throughout the years.

We applaud and thank the DOER for taking industry feedback into account, as well as addressing the needs of public entities and low income offtakers in the 225 CMR 20.00 SMART Emergency Regulations. We would like to file comments on two main issues: 1) Special Provision for Public Entity Solar Tariff Generation Units and the 2) Solar Canopy definition.

Special Provision for Public Entity Solar Tariff Generation Units

In particular, we are pleased to see the changes made through the Special Provision for Public Entity Solar Tariff Generation Units (STGU), which will allow public entities to apply early and receive a conditional Statement of Qualification (SOQ), thereby extending their reservation period and securing an earlier block. While this addresses the main issues facing public entities, one type of municipal arrangement is not covered in this definition, which is for lease-only offtake.

Often public entities will issue procurements for a solar project on public land with Lease-only offtake, as an alternative to on bill credits or net metering credits. There are many cases where public entities have already saturated their offtake needs with net metering credits or on bill credits from past solar projects but have additional public land available for solar development as well as the budgetary needs for additional revenue streams. In these cases, a lease-only solar project with a public entity on public land is the only option that makes sense to this public customer, even if it excludes them from the Public Entity Adder under the SMART program. Nonetheless, the lease payments from solar projects on public sites are an important revenue generator for Towns and Municipalities.

As these public projects are required to go through the same procurement processes as the Public Entity STGU projects, they also have the same compliance obligations under Chapters 30B and 25A, which create additional hurdles to enlist quickly into the SMART program. If these projects are left out of the Special Provision, the additional time required to secure interconnection and permitting would ultimately result in the reduction of their overall savings to the public entity as the project secures a lower block in the program.

Therefore, we ask that the DOER consider a revision to the definition of the Special Provision for Public Entity Solar Tariff Generation Units to be inclusive of lease-only projects on public land that benefit public entities. The revision suggestion is as follows:

*(l) Special Provisions for Public Entity Solar Tariff Generation Units. A Public Entity Solar Tariff Generation Unit or a **Solar Tariff Generation Unit on Public Land that benefits a Public Entity through lease payments** may apply for a Statement of Qualification pursuant to 225 CMR 20.06 (1)(c) by providing satisfactory evidence to the Department that a Municipality or Other Governmental Entity has awarded a contract to develop a Solar Tariff Generation Unit.*

Canopy Solar Tariff Generation Unit

We also recommend a change to the definition of the Canopy Solar Tariff Generation Unit, as the requirements to have 100% of the aggregate nameplate capacity installed on top of the parking surface is overly restrictive. In some cases, a portion of the solar canopy must overhang past the edge of a parking lot for structural and safety reasons:

1. Due to structural reasons, the steel beam of the canopy needs to be placed directly outside of the parking lot surface. This overhang allows for stability and for snow and ice to fall off the canopy surface beyond the parking lot, thereby reducing safety risks. In this case, we recommend that a 20% overhang be allowable for projects
2. Canopy structures are most effective when the weight of the panels is distributed across them. For this reason, we recommend allowing some overhang of solar panels onto the adjacent land.
3. Additionally, local permitting requirements may encourage panels to overhang beyond parking spaces, and therefore in order to comply with permitting requirements, we recommend the DOER consider flexibility with the overhang of panels.

Our recommended change to the Canopy definition is as follows:

*Canopy Solar Tariff Generation Unit. A Solar Tariff Generation Unit with **at least 75%** of the aggregate nameplate capacity, **and at least 50% of each canopy structure**, of the solar photovoltaic modules used for generating power installed on top of a parking surface, pedestrian walkway, or canal in a manner that maintains the function of the area beneath the canopy.*

We greatly appreciate your consideration of these changes to the SMART Regulations. We also welcome a meeting with DOER to discuss these changes in further detail. Thank you for your consideration, and please do not hesitate to contact me with any questions.

Sincerely,



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