



Via Email

June 11, 2020

Patrick Woodcock, Commissioner
Massachusetts Department of Energy Resources
100 Cambridge Street Boston, MA 02110

RE: SMART Low Income Guideline Comments

Dear Commissioner Woodcock,

On Tuesday April 14, 2020, DOER filed a revised 225 CMR 20.00, the Solar Massachusetts Renewable Target (SMART) Program, with the Secretary of the Commonwealth as an emergency regulation. This regulatory update was the result of DOER's review of the SMART Program and engagement with stakeholders, which began upon the qualification of 400 MW of eligible Solar Tariff Generation Units. The regulations went into effect immediately.

DOER then issued additional guidelines and is accepting written comments until 5 PM on June 18, 2020.

Zero-Point Development would like to thank the DOER for the opportunity to provide comments on the additional guidelines and appreciate the DOER's continued leadership in the development of the SMART program.

Zero-Point Development is a Massachusetts based solar development company committed to advancing renewable energy solutions as a viable alternative energy resource for all consumers in the United States. Having successfully developed and installed over 115MW, DC of solar capacity in the Commonwealth since 2011, we believe strongly in the independent and sustainable energy production capacity of the Commonwealth, and the benefit of contributions to the low income community. Zero-Point development is filing the below comments on specific issues related to the April 14, 2020 filing. We believe the adoption of these comments are necessary to provide the opportunity to provide benefits to the low income community through housing providers that would otherwise not receive benefits from the program.

Under section 2 of the Low Income Guidelines there are three ways to qualify as a Low Income Generation Unit.

Under the SMART Program, Generation Units are eligible to qualify as one of three types of low income Solar Tariff Generation Units, which are defined under 225 CMR 20.02 as follows:

- i. *Low Income Community Shared Solar Tariff Generation Unit. A Community Shared Solar Tariff Generation Unit with at least 50% of its energy output allocated to Low Income Customers in the form of electricity or bill credits.*
- ii. *Low Income Solar Tariff Generation Unit. A Solar Tariff Generation Unit with an AC rated capacity of less than or equal to 25 kW that serves Low Income Customers.*
- iii. *Low Income Property Solar Tariff Generation Unit. A Solar Tariff Generation Unit with a rated capacity greater than 25 kW that provides all of its generation output in the form of electricity or net metering credits to low or moderate income housing, as defined under M.G.L. c. 40B.*



Based on the description for i), a Low Income Community Shared Solar Tariff Generation Unit, it is unclear that a private affordable housing provider, that meets the Proof of Low or Moderate Income qualifications in section 7) a) ii of the Low Income Guidelines, would qualify as a Low Income Customer in order to qualify a project as a Low Income Solar Tariff Generation Unit.

We propose that the definition is expanded to the following for the Department to provide clear guidance on the requirements and qualifications.

- i. Low Income Community Shared Solar Tariff Generation Unit. A Community Shared Solar Tariff Generation Unit with at least 50% of its energy output allocated to Low Income Customers in the form of electricity or bill credits; or Low to Moderate Income Housing Providers that meet the Proof of Low or Moderate Income Housing criteria set forth in section 7 of the Low Income Guidelines, and as defined under M.G.L. c. 40B.*

Our second comment is in regard to the Proof of Low or Moderate Income Housing outlined in section 7), a), ii of the Low Income Guidelines.

Section 7), a), ii of the Low Income Guidelines states that.

- (1) at least 25% of the housing available at the properties to be served by the Generation Unit is required to be rented to households that are at or below 80% of the Area Median Income ("AMI"); or
- (2) at least 20% of the housing available at the properties to be served by the Generation Unit is required to be rented to households that are at or below 50% of the AMI.

Part (1) of the above is more restrictive than the current MassHousing's Enabling Act which states in Section 5(i)

20% of the units at the development must be affordable to those earning up to 80% of AMI.

We believe that part (1) of the definition for Low Income Generation Units should be change from 25% to 20% to be consistent with MA Housing regulations.

Thank you again for the opportunity to provide comments.

Should you have any questions, please do not hesitate to contact me at +1 617 823 6169.

Sincerely,

Greg Hunt.

Principal, Zero-Point Development.