



June 29, 2020

The Honorable Patrick C. Woodcock
Commissioner
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

**RE: COMMENTS ON DOER'S SMART PROGRAM REVISED REGULATIONS (225
CMR 20.00 *et seq.*)**

Commissioner Woodcock:

Hampshire Power Corporation ("Hampshire Power" or the "Company") appreciates the opportunity to comment and offer one suggested modification to both 225 CMR 20.06(1)(f)(3) and 225 CMR 20.06(1)(h)(4).¹ As explained below, when the Department of Energy Resources ("DOER" or the "Department") modified the regulations to limit participation in the low-income and community shared solar programs by an "individual or distinct legal entity" DOER inadvertently impacted not-for-profit, public, and other entities from being able to widely share in the SMART program's benefits by purchasing electricity or bill credits from a single provider. This modification creates onerous burdens and financial hardship on the not-for-profits, public and other entities in terms of the process required to procure solar electricity or bill credits and the costs for that procurement.

ABOUT HAMPSHIRE POWER

Hampshire Power provides SREC and AEC aggregation services, electricity retail supply and bill credits to energy end users, including not-for-profit and public entities in the Commonwealth of Massachusetts.

COMMENTS

Under the new regulations, DOER has inadvertently limited access to LI/CSS programs, thereby creating administrative burdens and additional costs on a significant number of Massachusetts entities; a burden that did not exist until the change in regulations.

Under the revised regulations, 225 CMR 20.06(1)(f)(3) and 225 CMR 20.06(1)(h)(4), no individual or distinct legal entity can receive bill credits or electricity in an amount that exceeds 25kW. Prior to the April 2020 change in the regulations, single legal entities were permitted to

¹ 225 CMR 20.06(1)(f)(3) and 225 CMR 20.06(1)(h)(4) provide for the qualifications to participate in the Low Income Shared Solar or Community Shared Solar programs, respectively.



purchase solar electricity or bill credits from one supplier or solar asset and share the benefits to a portfolio of meters under a low-income or community shared solar program. This change in the regulations creates administrative and financial burdens on a significant segment of Massachusetts ratepayers.

For example, prior to the implementation of the regulations, a not-for-profit single legal entity that consumed 250 kW of electricity across a portfolio of small, residential-scale meters, was able to purchase its full requirements from one supplier or solar asset owner. Given the large procurement, the price it paid for its electricity or bill credits was extremely competitive resulting in lower electric costs. Moreover, working with one supplier or solar asset owner results in reduced transactional costs and administrative burdens augmenting the savings that could be realized in the transaction. Conversely, under the new regulations, that not-for-profit single legal entity is limited to purchasing 25kW of electricity from a single supplier or solar asset owner. Thus, to procure its necessary amount of electricity, it now needs to contract with 10 different solar asset owners. The transactional costs for the 250kW procurement are significantly increased as are the administrative burdens now placed on the not-for-profit single legal entity.

In a likely effort to limit large commercial chains from reaping the benefits that the SMART program has afforded to the low-income or community solar projects, DOER has inadvertently precluded not-for-profit, profit and other single legal entities from participating in the programs on behalf of themselves or their constituents. To rectify this oversight, Hampshire Power respectfully requests that DOER modify 225 CMR 20.06(1)(f)(3) and 225 CMR 20.06(1)(h)(4) so as to limit its applicability only to for-profit entities, by amending the applicable provisions to read as follows: "The Solar Tariff Generation Unit must demonstrate that no for-profit business entity will receive bill credits or electricity for itself or for its related parties and affiliates in an amount that exceeds the applicable limitations noted in 20.06(1)(f or h)(1)."

CONCLUSION

For the reasons explained herein, the DOER is respectfully requested to modify 225 CMR 20.06(1)(f)(3) and 225 CMR 20.06(1)(h)(4) by limiting the provisions applicability only to for-profit entities.

Respectfully submitted

Hampshire Power


Todd Ford, President and CEO