

June 29, 2020

Dept. of Energy Resources
Attn: Kaitlin Kelly
100 Cambridge Street, Suite 1020
Boston, MA 02114

RE: "SMART Public Comment"

Sent VIA email attachment to DOER.SMART@mass.gov

Dear Dept. of Energy Resources,

CVE North America, Inc. is an independent power producer with six projects totaling over 30 MW currently in construction submitted into the Solar Massachusetts Renewable Target ("SMART") program. We thank the DOER for the opportunity to comment on the SMART regulation. For the past two years, CVE NA has been deeply invested in furthering community solar in Massachusetts. We are currently building six community shared solar projects that will provide program benefits to up to a thousand customers. We believe that excellent customer care practices and strong customer protection norms are important to establish community solar and solar in general in the Commonwealth. However, we think the DOER oversight of such practices should be done in a way that does not negatively affect solar developers and as a result harm customer experience. We respectfully submit our comments below regarding the **Guideline on SMART Consumer Protection and Guideline Regarding Alternative Programs for Community Shared Solar Tariff Generation Units and Low Income Community Shared Solar Tariff Generation Units**

1) Guideline on SMART Consumer Protection

According to the SMART Consumer Protection guideline, within a single audit, an Applicant shall receive a warning for each material defect. During an audit, it is possible for more than one warning to be issued on a single application or multiple warnings issued if the same material defect is found on more than one

application filed with the Solar Program Administrator. Three warnings may result in a 12-month freeze during which the applicant may not submit application for SOQ.

Although we understand the necessity of customer disclosure forms, we believe such sanction would be very detrimental to the continuity of solar operations and might also negatively impact the customers. In order to give a better opportunity for solar developers to avoid warnings while still maintaining a high level of customer protection, we submit the following recommendations:

- The exact definition of “material defect” should be included in the Consumer Protection guideline
- Multiple errors of the same type (all across a project or portfolio) should only be considered as one error and therefore receive only one warning as opposed to one warning for each error found, especially if they do not impact the accuracy and clarity of data shared with customers. This would prevent a company that made one system-wide error, in good faith, to be suspended from the program.
- An appeal process and cure period should be put in place after a warning to give an opportunity to the developer to correct the error and explain its cause.
- As an audit may require the production of a significant number of documents, the deadline to submit information to the DOER following a consumer protection audit should be up to 30 days.
- Finally, CVE recommends including a written clarification regarding the respect of the 25kw allocation size. It has been orally confirmed during the webinar that a unique tax ID was the main criteria to indicate a separate community solar subscriber bound to the 25kw rule. Having this specification included in the regulation would help the understanding of financial partners critical to the completion of community solar projects.

2) Guideline Regarding Alternative Programs for Community Shared Solar and Low-Income Community Shared Solar Generation Units

CVE North America supports the DOER’s efforts to expanding access to community solar by facilitating Low- and Medium-Income customer enrolment and opening ways to alternative programs. The development of innovative methods such as Community Choice Aggregation may be beneficial to address the challenges of customer acquisition and expand the access to underserved communities. However, a broader conversation with all solar industry stakeholders is necessary to build alternative programs that are functional and beneficial to all communities. For this reason, CVE recommends creating an Alternative Community Solar Programs and Low Income Community Solar working group as a way to

share knowledge and good practices between municipal leaders and solar developers. This will give further opportunities for various stakeholders to provide valuable input in ways to create the best community solar programs possible.

With the new Alternative Programs for Community Shared Solar and Low-Income Community Shared Solar Generation Units guideline, the DOER introduced the possibility for electricity distribution companies (EDC) to manage community solar programs. We believe that the entry of EDCs into the competitive customer management market should be more restricted. The EDCs generally do not have a good track record in customer satisfaction as demonstrated by past interconnection and crediting issues. We do believe that EDCs have a role to play in improving community solar program in several crucial ways:

- Increasing the frequency of Schedule Z or Alternative On Bill Credit Worksheet change to once a month instead of twice a year to allow customers to leave and enter the program more freely.
- Provide voluntary consolidated billing to give customers the simplicity of one bill for their electricity and their community solar credits.
- Improving customer data sharing between utility and developers to allow solar site owners to have an accurate visibility on the amount of credits distributed and the list of customers served. Some utilities do not have this feature which may be detrimental for customer experience

Finally, CVE kindly requests that to the DOER leads and encourages the promotion of community solar to the public especially for low income customers that would gain greater benefits from the program. Having a more public recognition of community solar by the DOER might help reduce suspicion towards this program and help educate the public.

We thank you in advance for your consideration of these comments.

Shadé JAIYEOLA
Community Solar and Community outreach Manager
CVE North America