



**Environment, Energy, and Open Space
CITY OF BOSTON**

VIA EMAIL - DOER.SMART@mass.gov

Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

March 5, 2021

Re: Written Comments of the City of Boston in Response to Proposed Revisions
to the Solar Massachusetts Renewable Target (SMART) Program Guidelines

The City of Boston (“City” or “Boston”) has enthusiastically supported the efforts of the Baker/Polito administration through the Department of Energy Resources (“Department”) both to continue to advance the development of solar generation resources and enhance existing opportunities to deliver the benefits of solar resources to the Commonwealth’s low-income customers. The City has sought to work within structures developed by the Department to deliver benefits to Boston’s low-income customers through services provided by the City’s Community Choice Electricity Program, a municipal aggregation plan (“Plan”), which recently began to deliver electricity service to more than 200,000 customers in Boston. The City is committed to employing the Plan to achieve the City’s goals, which include consumer protection, the provision of rate stability opportunities, the advancement of the City’s climate and resiliency goals and, of particular relevance here, the delivery of benefits to the City’s most vulnerable, low-income customers.

The City’s consultant has been working with the Department for nearly two years to establish and refine an administrative process within municipal aggregation plans that will advance solar development and related job growth in our region, secure material environmental benefits and ultimately deliver meaningful savings to low-income residents. The City and its consultant believed that the Department’s original SMART rules and guidelines were sufficient, and that the City’s proposed approach could be advanced under them. The City nevertheless appreciated and supported the Department’s changes to the Guideline Regarding Alternative Programs for Community Shared Solar Tariff Generation Units and Low-Income Community Shared Solar Tariff Generation Units (“Guideline”) adopted in October 2020. The City’s consultant also secured a favorable pre-determination letter from the Department dated October 20, 2020 in which the Department confirmed that its process would enable applicable developers to qualify for the Department’s SMART incentive payments as a Low Income Community Shared Solar (“LICSS”) facility. With this guidance, the City began to execute agreements with solar

developers to commence the advancement of LICSS facilities and to provide energy savings generated from such agreements to all low-income customers taking service pursuant to the Plan.

When the City is able to operate under this approach, it will deliver significant benefits to the City's low-income residents served by Community Choice Electricity. The City expects to deliver savings of approximately \$140-150 per year to each of the approximately 21,000 low-income customers participating in the plan for 20 years, resulting in savings of between \$28 and \$56 million. The City understands that this model will be employed in other communities. The City executed an agreement with a solar developer to support 100 MW of solar development within Eversource East and was ready to announce an additional 30 MW of solar development that the City anticipated, when the projects were fully operational, would have reduced the bill paid by the Plan's low-income customers of up to \$0.02 per kWh.

The City remains fully committed to achieving these benefits as soon as is practicable. The City believes that the existing or currently effective LICSS Guideline fully and appropriately supports this effort (along with some needed but limited clarification from the Department of Public Utilities ("DPU")). The City is committed to the approach reflected in these comments, but may take other actions to preserve its rights and remedies with the goal of providing the benefits long overdue to low-income communities at the earliest practicable date.

The City believes that the Department's existing Guideline (revised as of October 8, 2020) was appropriate and provided the necessary clarity to enable the City, other aggregation plans, electricity suppliers and solar developers to go forward with LICSS projects. The City believes that many of the proposed changes to the Guideline issued by the Department in February 2021 are unnecessary, counterproductive and involve issues or concerns beyond the Department's authority. The adoption of such language will likely only add confusion and potentially inconsistent requirements, either of which will only frustrate development. Finally, the adoption of this language might reinforce the suggested need for frequent amendments to the City's or another community's aggregation plan document (which the City believes is neither necessary nor supported by law). Even beyond the current DPU time requirements (now routinely running 16-20 months and longer), this requirement is not workable and will effectively eliminate any practical opportunity for municipal aggregation plans to effectively contract with LICSS projects.

Specifically, the City believes that the proposed addition of language in section 2(d) of the draft revised Guideline is not needed. Thus, the most simple and direct approach is to simply determine that this proposed revision should not be adopted at all and delete all of 2(d) from any updated form of Guideline. The Department has no authority over the design and operation of aggregation plans beyond an early consultation. There is no need to add a duplicative and confusing requirement with respect to aggregation plans, the primary authority over which is with the City after the review of the initial plan by the DPU.

Alternatively, the Department might make minor modifications to its proposed language within Section 2(d). One alternative would be to simply delete the language "CSS/LICSS program included in a" from the proposed addition. This would result in the requirement that the particular arrangement be "consistent" with the approved plan in order to be eligible to contract in a manner to secure LICSS incentives. A variation to this alternative would be to delete the

same language, but, instead, revise by inserting language that the agreement is "not inconsistent" with the approved plan. This latter alternative is preferred as it affords aggregation plans and developers greater flexibility in order to secure the substantial benefits from LICSS.

The City remains committed and enthusiastic about LICSS opportunities and the delivery of substantial benefits that fulfills the work of the Baker/Polito administration to ensure that SMART incentives help low-income customers. The City respectfully requests that the Department promptly resolve any questions on the terms of the Guideline and adopt the City's suggestions on how the Commonwealth can avoid unnecessary, time-consuming and preclusive bureaucratic processes. Boston's low-income customers will then finally benefit from SMART incentives.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris', with a long horizontal stroke extending to the right.

Christopher Cook
Chief, Energy Environment and Open Space