
March 5, 2021

Via Email to

Abby Barnicle
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114
DOER.SMART@mass.gov

RE: AES comments on SMART Guideline: Guideline Regarding Alternative Programs for Community Shared Solar Tariff Generation Units and Low Income Community Shared Solar Tariff Generation Units

Dear Ms. Barnicle:

Thank for the opportunity to provide comments on the updated Department of Energy Resources (“DOER”) Guideline Regarding Alternative Programs for Community Shared Solar Tariff Generation Units and Low Income Community Shared Solar Tariff Generation Units issued as part of DOER’s ongoing process in implementing its SMART emergency regulations.

AES Clean Energy (“AES”) is a leading renewable energy developer, owner, operator, currently operating 2.5GW of clean energy projects nationwide. AES has been an active participant in the Massachusetts renewable energy industry since 2012, and currently has over 185MWdc of solar and energy storage projects under construction or operating in the SMART program.

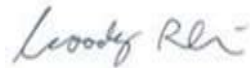
AES’s comments are specifically related to allocating low income customers SMART bill credits through municipal aggregation. Given the complexity of this program, which is novel and undergoing regulatory development in the overall Department of Public Utilities Smart proceeding as well as in one or more aggregation dockets (see e.g. City of Boston’s aggregation), AES suggests that DOER modify the Guidelines to state that it would provide notice and a cure period for any project that may fall out of compliance (with its obligations to allocate bill credits to low income customers under the regulations, Guidelines, statement of qualification or pre-determination letter) before taking any action to suspend or terminate a project’s eligibility to receive such a low income adder or its statement of qualification.

Under the current Guideline, there is no mechanism or procedure for a project that inadvertently or due to actions or inactions of third parties may fall out of compliance to come back into compliance and demonstrate that it has remedied prior issues. AES urges DOER to establish a process under which it would provide notice to any such affected project and afford such a project a cure period within which to remedy any such compliance issues. If an issue arises under a project’s chosen aggregation or under any particular contractual obligation or other mechanisms not under the project’s control that could put a project out of compliance, DOER’s commitment to expressly state a period of days within which a project can work with DOER to cure the non-compliance would greatly benefit the program as a whole. Given the complexity and number of third parties involved in transferring credits to customers, we would suggest that

such a period be not less than 270 days and that it may be extended given reasonable cause if a project is working diligently to remedy any such compliance issues. Such a process would allow DOER to provide notice to and work with such projects to develop an acceptable cure plan prior to such a project's statement of qualification or adder being subject to revocation or otherwise jeopardized. Such a process would also allow such projects to preserve the opportunity to provide benefits to low income customers and retain the low income adder for the project. This additional safeguard will make the program more effective in attracting investments into such projects that will ultimately benefit low income customers. Accordingly, the addition of a notice and cure period will ultimately incentivize more developments for low income customers.

Thank you very much for your consideration of these comments. Please contact Ben Sufrin at 303-263-5256 with any questions.

Sincerely,



Woody Rubin

Chief Development Officer
AES Clean Energy