



July 25, 2025

By Electronic Mail

Grace Fletcher, SMART Program Manager  
Massachusetts Department of Energy Resources  
100 Cambridge Street, 9th Floor  
Boston, MA 02114

**DOER.SMART@mass.gov**

**Re: FirstLight Comments on Emergency SMART 3.0 Regulations**

Dear Ms. Fletcher,

FirstLight appreciates the opportunity to provide comments to the Massachusetts Department of Energy Resources (“DOER”) regarding the Emergency SMART 3.0 Regulations (“Emergency Regulations”), filed on June 20, 2025.

FirstLight is a leading clean power producer, developer, and energy storage company serving North America. With a diversified portfolio that includes over 1.6 GW of operating renewable energy and energy storage technologies and a development pipeline with 4,000+ MW of solar, battery, onshore, and offshore wind projects, FirstLight specializes in hybrid solutions that pair hydroelectric, pumped-hydro storage, utility-scale solar, large-scale battery, and offshore wind assets.

Our mission and vision is to accelerate the decarbonization of the electric grid by owning, operating, and integrating large-scale renewable energy and storage assets to meet the region’s growing clean energy needs and to deliver an electric system that is clean, reliable, affordable, and equitable.

FirstLight’s clean energy facilities in New England produce over 690,000 MWh of emissions-free generation, reducing the region’s carbon footprint by more than 780,000 tons annually. In addition to our clean energy generation facilities, we also own and operate the 1,168 MW Northfield Mountain pumped hydro storage station in western Massachusetts, the largest energy storage facility in the region. Our facilities represent over



a billion dollars of private investment in the region, employ more than 250 people, and support our communities in Massachusetts with more than \$15 million in local property taxes every year.

On June 20th, 2025, DOER filed emergency regulations for the SMART 3.0 Program with the Secretary of State's Office, under 225 CMR 28.00. DOER also filed minor changes to the existing regulation, 225 CMR 20.00, to accommodate for the program transition and create an end date for eligibility under the current program. FirstLight appreciates the opportunity to submit comments on the Emergency Regulations. As both an owner of existing renewable energy assets and a developer of new renewable energy projects, FirstLight will be directly affected by the proposed regulations.

FirstLight is supportive of those comments filed by the Alliance for Climate Action (ACT), but would also like to provide more specific comment on the following topics.

### **1. DOER Should Amend the Capacity Caps for Floating Solar**

Development timeframes for floatovoltaic projects, especially those under federal regulation, is significantly longer than typical project development timelines, commonly exceeding 3 years in duration. FirstLight is deeply concerned that the proposed annual cap of 10 MWs on Floating Solar under 225 CMR 28.07(5)(b)(4)(c), will introduce unnecessary delays, uncertainty, and increase risk in achieving current and future ITC deadlines. This will inevitably result in potential projects not proceeding regardless of their suitability.

FirstLight recommends establishing two potential paths for future Floatovoltaic Solar Tariff Generating Unit (FSTGU) qualification. For projects currently in development, FirstLight suggests DOER establish an eligibility cutoff based on an interconnection application date predating the release of the Emergency Regulations. This will allow projects currently in progress to continue and have a reasonable expectation of receiving a Preliminary Statement of Qualification (PSOQ), provided the Project meets criteria for selection.

In addition to creating the cutoff for projects in development, FirstLight recommends DOER establish a total MW limit for future FSTGUs in place of the currently proposed annual MW limit. We believe this approach would provide a better estimate to developers of availability capacity under the SMART 3.0 Program. FirstLight believes that any cap will have a depressing impact on future FSTGUs development. Longer development timeframes to successfully permit floatovoltaic projects and limited capacity will increase uncertainty and result in decreased floatovoltaic development in Massachusetts.



**2. DOER Should Revise the Replacement STGU Provision to Allow for Economies of Scale in Decommissioning and Construction and Include Systems Operational after June 20, 2011.**

We applaud DOER's inclusion of Replacement STGUs under the Emergency Regulations in 225 CMR 28.10(3)(b). Replacing older, obsolete STGUs with new technology that meet current best practices and design requirements is prudent and gives the renewable energy industry the opportunity to maintain existing solar generation, and improves on systems that were developed during the early years of solar development, whose performance could be of greater benefit to the community and Commonwealth if improved through repowering.

We do recommend that DOER consider closely the qualification criteria currently proposed, as many STGUs will not be able to meet the proposed criteria. As written, STGUs must satisfy two conditions: 1) being inactive or decommissioned, and 2) having operated on the same site before June 20, 2025 for at least 15 years. Both these items could prove problematic.

Regarding the first criteria, many Replacement STGUs will seek to revitalize existing, allocated interconnection capacity. Retaining interconnection rights requires that the STGU maintain that capacity through operations or study, and the capacity could potentially be reallocated to other queue participants if a system is decommissioned and remains idle for too long a duration. Further, the greatest economies of scale are achieved if the decommissioning of the original STGU and construction of the replacement STGU occur consecutively as part of a single scope.

FirstLight recommends that DOER adjust this language to allow for projects to be decommissioned following securing a PSOQ, provided the same criteria is met for a Replacement STGU as would be required for new applicants, including updated site control, non-ministerial permits and approvals, and interconnection agreements are obtained prior to application for the Replacement STGU.

Regarding the second criteria, including the specific date of June 20, 2025 introduces what we believe is an unintended results, limiting Replacement STGU eligibility to those projects that commenced operations prior to June 20, 2011. FirstLight recommends DOER amend the regulations so that that the original STGU must be in service on the same site for a minimum of 15 years, and exclude any specific deadline that would limit STGUs to those placed in service prior to June 20, 2011.



### **3. DOER Should Increase Flexibility in its Ability to Release SMART Capacity in context of Federal ITC availability**

Under the Emergency Regulations, the total capacity for a Program Year is established on January 1st and then not adjusted until the following year. Following the initial 10-business day widow following January 1, applications received during the Program Year are ranked on a first-come, first-served basis. The result is that once a Program Year's capacity has been fully allocated, projects may join a waiting list during the remainder of the Program Year but will not receive an allocation until the next Program Year unless other projects fail.

Given the current and anticipated changes to Federal policy, specifically the availability of the Federal Investment Tax Credit ending at the end of 2027, and the nearer term safe harbor deadlines at the end of 2025 and mid-2026; FirstLight recommends that DOER maintain as much flexibility as feasible to enable projects to obtain SMART PSOQs. Contracting for energy revenues under the SMART program is a critical requirement for any project ready to proceed to Engineering, Procurement and Construction contracting. If a project must wait for a PSOQ from 2025 to 2026, or from 2026 to 2027 and beyond, the likelihood of that project proceeding will diminish significantly; and the risk that the project's development and construction to not align with requirements introduced by the Federal Government between now and 2027 will undoubtedly increase. Each project that misses the opportunity to claim the Federal Investment Tax Credit will result in the Commonwealth achieving it's climate goals at a slower pace and with a greater economic cost.

FirstLight agrees with ACT's recommendation that DOER modify the regulations to give DOER the authority, in its discretion, to increase the program size during a Program Year. Such authority would, for example, give DOER a "safety valve" to increase the Program Year 2026 program size.

The interval to evaluate Program Year targets could occur in the first quarter, or could also be biannually, or could occur each quarter depending on the goals of the DOER. That could be extremely helpful if, between January 1 and March 1, 2026, DOER observes a significant increase in the quantity of projects seeking an PSOQ or on the waitlist, that could begin construction contracting in advance of the December 31, 2025 or July 4, 2026 safe harbor deadlines. FirstLight believes this approach will increase the likelihood that DOER and the Commonwealth achieves its goals through the SMART 3.0 Program.



Thank you again for the opportunity to comment on the SMART emergency regulations. Please do not hesitate to reach out with any questions or to discuss these comments further.

Sincerely,

A handwritten signature in black ink that reads "Sandra Brown". The signature is fluid and cursive, with the first name "Sandra" and last name "Brown" clearly distinguishable.

Sandra Brown  
Director, Project Development  
FirstLight

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