

Commissioner Mahoney
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114
Email: DOER.SMART@mass.gov
Re: SMART 3.0 Emergency Regulation Filing



Dear Commissioner Mahoney,

Hyperion Systems, LLC (“Hyperion”) appreciates the chance to offer written comments to the Department of Energy Resources (“DOER”) regarding the emergency regulations for the SMART 3.0 Program that were filed on June 20th, 2025.

Hyperion is a solar project development company based in Western Massachusetts. Hyperion has been in business in the Commonwealth for the past 13 years investigating and deploying dual-use solar. Hyperion has strong working relationships with many of the Massachusetts stakeholders within the agrivoltaics sector including agricultural producers, research institutions, other developers, among others. Our comments are guided by our personal experience.

- 28.08(1)(a)
 - Much of the existing agricultural land in the Commonwealth is on hydric soils, which are considered a wetland resource area. This provision drastically limits the potential for agrivoltaics on existing farmland across the Commonwealth despite there being a pathway for more permanent development ie single family homes in these areas through replication of resource areas. We strongly recommend providing an exception to 28.08(1)(a) which is contingent upon qualifying as a Dual-use Agricultural STGU. We believe SMART 3.0 should enforce similar and no stricter guidance than the sections that apply to “Land in Agricultural Use” under the definition of “Agriculture” in 310 CMR 10.04.
 - We also believe that this section should be written to exclude buffer zones restrictions. Most MA town code bylaws allow for development in buffer zones, inclusive of solar. Most often, these other development types in buffer zones are permanent and are more impactful than solar array racking supports or other solar equipment.
- 28.07(5)(b)3.b.ii
 - Sunlight requirements
 - Hyperion recommends removing this sunlight reduction plan requirement. Through Hyperion’s practical experience, we feel that sunlight reduction and the subsequent impact on crops is well considered in the Pre-Determination Application (PDA) process. If developers are not addressing the sunlight reduction impact in their PDA, then we would recommend, and encourage, DOER to reject those PDAs. Adding additional plans, that really should be addressed in the PDA, adds unnecessary time and cost to projects.

- 28.05(5)(a)
 - Hyperion recommends DOER include a set aside for projects 25-250 KW with a base compensation rate of greater value than 250-500kW projects. This set aside would support the lack of economies of scale this project segmentation loses out on while benefiting smaller land owners through project ownership or lease agreements.
- 28.05(1)a
 - While regional and national solar costs are considered when setting rates, we recommend that DOER add consideration for federal solar incentives. The current federal administration has made solar development far more speculative than it was even six months ago.
- 28.05(3)(b)
 - While we expect there will be strong demand for the SMART 3.0 program, we believe that unused program capacity should roll over to the next year and the rolled over capacity should remain within its respective carve out. We believe the solar development community should have a few years to respond before any significant program capacity is cut.
- 28.07(5)(b)3.c.i.(ii)
 - We suggest instead that there be tolerance for soil amendments to be applied to get soil tests into optimal ranges, and perhaps there is tolerance for values outside of optimal ranges since many existing farm fields do not have soil perfectly in line with the optimum ranges for the crops grown in that field in practice.
- 28.14(4)
 - We believe that blended rates should instead be based on the DC capacity of the 2 STGUs because basing it on the AC capacity appears to inadvertently prohibit a DC-coupled storage configuration from being eligible for a blended rate. For example, if a canopy STGU is located near a ground-mounted STGU and wants to pursue a blended rate, then each STGU would need its own inverters to be able to measure the AC capacity of each of these STGUs. This therefore prohibits a shared DC-coupled storage system from being able to be incorporated into the configuration, and therefore 2 individual storage systems would be needed to comply with a DC-coupled storage system, which would operate suboptimally compared to one shared DC-couple storage system. This issue could be fixed easily by changing “AC capacity” to “DC capacity” in this section.
 - We also suggest the ability to blend the mitigation fee across multiple STGUs should that be applicable.
- 28.05(6)(a)
 - We recommend amending this to say that only decreases to base compensation rate and compensation rate adders will be capped at 10%. We believe that major negative impacts to the solar industry (ex. loss of federal tax incentives, etc.) should not delay the time it takes for effective emergency/corrective action to kick in and immediately preserve the economic viability of STGUs
- 225 CMR 28.13(3)(f)1.a.i.
 - It seems that the section referenced in this paragraph does not link to a valid section anywhere in the document.