



Samantha Meserve, Director of the Renewable and Alternative Energy Division
Grace Fletcher, SMART Program Manager
Massachusetts Department of Energy Resources
100 Cambridge Street, 9th Floor
Boston, Massachusetts 02114

July 25, 2025

Comments from ReVision Energy regarding SMART 3.0 Emergency Regulations

Dear Ms. Meserve & Ms. Fletcher,

ReVision Energy (“ReVision”) submits this written testimony as a local, employee-owned, certified B-corporation renewable energy construction company installing residential and small commercial solar, storage, heat pumps, and EV charging infrastructure with over 400 co-owners across our six branches in New England, including 68 staff between our North Andover and Westfield locations. As a member of Massachusetts’ growing clean energy industry, we work to achieve the mission of making life better by building our just and equitable electric future—a vision that holds significant alignment with the new solar program designed within the recently released emergency regulations for SMART 3.0.

Given our extensive experience installing residential, commercial, and community solar across the region, ReVision wishes to provide specific comments on the emergency regulations in hopes of providing constructive feedback for making final program adjustments.

We thank the Department of Energy Resources (DOER) for their intensive work over the past year to introduce an updated solar incentive program in the Commonwealth, going through multiple rounds of stakeholder comments with a sincere willingness to incorporate feedback, and for the ultimate design of a program that directly addresses past programmatic challenges. We understand this is no small feat, and we thank you for your service.

While we believe this is a strong program that steps up to incentivize solar in the absence of federal leadership, we offer the following feedback for final program design:

Overall, we believe that if DOER is confident it has designed a program that is entirely based on the value of energy and provides positive net benefits for ratepayers, we do not believe it is necessary for capacity caps or limitations. Given the significant uncertainty at the federal level at this moment in time for the solar industry, the additional uncertainty of knowing whether or not you will receive an allocation presents challenges for solar developers. This is especially critical with the looming cliff for tax credits, including the Investment Tax Credit (ITC). We urge DOER to meet the moment by offering as much capacity as possible prior to the end of the year, and again in 2026. While ITC eligibility is available for projects that commence construction by July 4, 2026 (or placed into service by the end of 2027), many developers including ReVision are actually

looking to commence construction by December 31, 2025 instead given after that date, Foreign Entities of Concern (FEOC) procurement restrictions apply. Without further guidance from Treasury, it is unclear if we will be able to meet such requirements. For that reason, we are looking to safe harbor projects by the end of the year, and therefore having as much capacity as possible to welcome a significant amount of development now, that can utilize tax credits, will be critical to meet the Commonwealth's programmatic and climate goals.

28.01 Purpose & Application

- We commend DOER for the many systemic program changes that address past challenges, and the fact that SMART 3.0 was designed to respond to rapidly changing market conditions in a way that ensures sustainable deployment of solar energy to the grid at a time of rising demand.

28.05 Annual Adjustable Block and Rate Structure

- In addition to the factors considered under 28.05(1)(a), we recommend adding two additional criteria: 7., availability of and changes to federal and state tax credits, and 8.) regional and state electricity demand. These two factors can significantly impact rate structure and while both may be implied in criteria 4. and 5., we respectfully ask for them to be specifically called out and considered.
- Section 28.05(1)(b) outlines the protocol for the annual survey of development costs.
 - First off, we highly recommend updating the distribution of the survey to ensure the right contacts at solar developers receive and therefore contribute to this effort. Without thorough participation, rates could ultimately be distorted and lead to an unproductive program year despite the Commonwealth's goals for clean energy deployment. We recommend public notices on DOER's website, distribution to all solar developer lists, and partnering with local trade organizations (ACT, SEBANE, SEIA, CCSA) for effective distribution.
 - Second, we point out that the undertaking of an annual survey, while certainly responsive to market conditions, might be an overcorrection from past program design. It is incredibly difficult to sell projects when rates are released one month in advance of the application process opening (especially when there is a significant holiday period in between). While we will have some certainty due to the 10% year over year increase or decrease limitation (discussed below) and the October 1 draft release, we believe this annual assessment introduces an unnecessary element of program uncertainty. We recommend starting in 2026, DOER consider undertaking such a process every two years and thus setting rates for two years. While it is not as responsive to annual conditions, it provides more regulatory certainty and the ability to invest in assets that will take more than a 12-month window to build, which is even more important for larger projects.
- We appreciate the inclusion of a 2025 program year as outlined in 28.05(2)(b), especially considering the aggressive commence construction deadlines required at the federal level for ITC eligibility. While the regulations require some amount of additional capacity to be



released in January 2026, we urge the Department to offer as much capacity as possible and/or consider an additional 2026 allocation in March to ensure developers can receive Preliminary Statements of Qualification (PSOQ) to establish safe harbor for ITC eligibility.

- Section 28.05(3)(b) outlines that unused capacity will not roll over year to year. We urge DOER to ensure that the previous year's capacity (and corresponding waitlist) is considered as a major factor in determining capacity for the following year.
- Section 28.05(3)(c) enables DOER to consider adding caps for STGUs up to 25kW and for BTM systems from 25kW to 250kW in size. We respectfully ask that no cap be imposed for these system sizes unless there is a notice and comment period. Additionally, we encourage DOER to consider that in the recent expansion of net metering, the Massachusetts legislature explicitly sought not to cap systems under 25kW, which seems to run to counter to DOER's regulations to retain this right.
- Section 28.05(4) outlines the annual capacity allocation, noting each Electric Distribution Company (EDC) shall be allocated 5% of the block, with the remaining capacity will be allocated proportionally to the electric load.
 - We respectfully disagree with the idea that remaining capacity should correlate with load, as it does not correlate to the ability to install projects. A minimum allocation is acceptable, but the remaining capacity should be available regardless of load. If the concern is regarding greenfield development, we believe that large ground-mounted systems are already limited by program design, i.e. the greenfield subtractor.
 - For example, the utility serving Boston may serve the majority of load, but there may not be many remaining rooftops for solar development. Areas outside of the metro-area may be more conducive to solar on the built environment, but if the load is significantly less, development will be disincentivized.
- Section 28.05(5) implements annual capacity set asides, including adding a 10% minimum capacity set aside for projects between 250kW and 500kW. Part (a) makes clear that BTM systems from 25kW to 250kW do not have capacity set asides as they are exempted currently from capacity allocation. However, this leaves out standalone systems 250kW and below. We recommend these systems are also exempted from capacity limits to incentivize small projects (even if few are developed in that size range) as they will be challenged if competing with larger projects and ordered by ISA "deemed complete" date.
- Section 28.05(6)(a) covers that year over year changes to base rates and adders shall not exceed 10%. While we appreciate the inclusion of the term "year over year" we urge DOER to more explicitly clarify that changing rates are limited by 10% in consecutive years (and not over program lifetime).
 - While we see value in ensuring both regulatory certainty for developers and the ability to model projects using the 10% threshold (especially as rates are released in December for the following year's program), we ask DOER to ensure that the formula additionally takes into account and allows for annual inflation, as there could certainly be a situation where a 10% increase is less than inflation and thus rates would not reflect market costs.

- Additionally, we urge DOER to consider whether this 10% should be applicable in 2026 and 2027 to ensure that the loss of the 30% ITC (and 30% 25D—the residential solar tax credit) are accurately accounted for (their elimination may warrant more than a 10% increase).

28.06 Qualification Process for STGUs

- Section 28.06(1)(b)3 requires systems 25kW or less to include a customer utility bill from the past 12 months for program qualification. Unfortunately, the inclusion of a past bill is not workable for new construction projects that may have a utility account set up but no utility bill to submit prior to installation. We recommend removal of this requirement, or an exemption for new construction, or a requirement that achieves the same goals but will allow participation from such customers.
- Additional documentation required for systems 1,000kW or less is outlined in 28.06(1)(d), however we point out that we believe there is a typo in here as it is only facilities greater than 1,000kW that require registration as a federal qualifying facility under PURPA. This language suggests that systems smaller than 1,000kW would be required to attest to their status as a qualifying facility, which should not be necessary as there is no requirement for these systems to register with FERC.
- Section 28.06(1)(e) outlines the application review process, indicating that Statement of Qualification (SOQ) applications are subject to review by DOER, the Solar Program Administrator and the applicable EDC, and each are allowed 30 business days to process the application. Ultimately, that means this could be a 4.5 month timeline, which we believe is too lengthy. We recommend limiting the total time for all parties to 45 business days during the 10 day open application period or 30 business days during the rolling enrollment period. Additionally, given an executed ISA is required for all projects greater than 25kW, we do not believe there should be a need for EDCs to participate in this review timeline.
- Section 28.06(1)(e)1 gives DOER discretion to allow for public comment on any SOQ application. We urge DOER to include a threshold within the regulations as to what constitutes triggering a public comment period given the immense delay we have seen such periods lead to in other jurisdictions. Adding criteria here can avoid both comments and comment periods that are arbitrary and capricious.
- 28.06(4)(a) outlines the process for applying for program year capacity, indicating that applications will open for a ten day period starting on January 1 or the following Business Day. If possible, we recommend a shift to January 15 as a start date given the number of individuals that take time off during the holidays and thus the need to finish applications with customers much earlier in December, at the same time as final rates are released. It would be very helpful to have a few extra weeks to share final rates with clients and finalize application materials in the new year.
- 28.06(4)(d) indicates the establishment of a waitlist and corresponding requirements—we respectfully ask DOER to clarify whether there are any limitations for a project when it is on

the waitlist (i.e. whether there are any restricted activities in the project development timeline).

28.07 Program Eligibility

- 28.07(5)(a) outlines special eligibility criteria for residential third-party owned systems that are less than 25kW and the requirement that a savings of 10% or greater is required on the value of energy. While this might make sense for a PPA model, we remind DOER that there are multiple models for third party residential modeling. In the case of an equipment lease based on fixed system costs where the customer receives the full energy value, it does not make sense to require such a discount. If maintained, these criteria should apply to a PPA model only, but ultimately, we believe there should not be restrictions on lease agreements between two consenting parties.
- Regarding canopy eligibility outlined in 28.07(5)(b)2, we ask DOER to consider adding explicit clarification that raised racking systems are eligible for the canopy adder. From conversations with staff, it seems the intention was to allow raised racking to qualify, but the regulations lack such clarity, and it may not be possible for raised racking to meet the “75% threshold” as is required for a canopy.
- Section 28.07(5)(c)4b outlines criteria for qualification as a “Public Entity STGU,” which includes the requirement that if sited on private property, the STGU must be owned by a municipality or all offtake must go to a municipality (or government entity) in the municipality in which the project is sited. The requirement for the site to be in the same municipality as the offtake is a high threshold to meet and may ultimately be unnecessarily onerous. While we understand there may be public impacts for ground-mounted systems (and thus this requirement), we do not believe there are similar public impacts for rooftop systems and for that reason, we ask DOER to remove such a restriction for rooftop solar.
- Section 28.07(5)(e)1c(ii) covers energy storage system criteria, including performance requirements. ReVision believes the new requirement for energy storage systems to dispatch 156 complete cycle equivalents per year requires reconsideration. It is unclear why such a jump from SMART 2.0’s 52 cycle requirement is necessary. While consistent with the Straw Proposal, this requirement appears to be inconsistent with the Clean Peak and Connected Solutions programs, which do not carry such requirements. We strongly support encouraging the use of energy storage, especially to maximize the benefit to the grid. However, cycling in the spring and fall is less beneficial to the grid than during summer and winter peaks and usage at that rate could lead to earlier degradation. We recommend a significantly lower threshold, such as the requirement from SMART 2.0.

28.08 Land Use

- 28.08(1)(a) dictates that an STGU shall be ineligible for SMART program participation if the project footprint overlaps with Wetland Resource Areas and corresponding Buffer Zones. We believe there should be an exception under this rule in a similar manner to how protected open space has an exception noted in 28.08(1)(c)1. Essentially, we believe this

rule should not apply if there is existing development within the Wetland Resource Area or Buffer Zone in which the STGU is affixed. If a building, parking lot, or other development already exists within the area, we believe the installation of rooftop or canopy solar shall be acceptable.

28.13 Compensation Rates

- The Community Shared Solar adder outlined in 28.13(3)(c)1 set to \$0.07 per kWh is currently insufficient to encourage development, and we ask DOER to consider increasing the rate or adjusting methodology to ensure community solar is built within Program Year 2025 and 2026, especially in light of the limitations after that timeline with federal tax credits. Inconsistent with the Straw Proposal, the Community Shared Solar adder requires a discount on the value of energy rate, not the basic service rate, which means the discount is significantly higher than previously understood and will essentially put companies in the red given the costs of customer acquisition. Unfortunately, this is a line item that cannot be significantly reduced or eliminated as such acquisition has proven to be one of the main barriers to community solar development. We urge DOER to revert to the minimum bill discount requirements in the Straw Proposal.
 - Additionally, we ask DOER to consider whether commercial subscribers should be required to receive a minimum 10% discount. Such subscribers do not need guaranteed savings to justify participation, especially large anchor tenants, and for that reason, discounts should be limited to residential subscribers only.
- The Energy Storage adder outlined in 28.13(3)(e)2 is consistent with the formula in SMART 2.0, which we support. However, given the fact that the adder's multiplier is now floating based on annual rate setting via the comprehensive survey, we would again advocate for setting rates every two years to yield more market certainty. Knowing that multiplier in advance allows for effective sales and ultimate deployment.
 - Additionally, we ask DOER to update and continue to update its storage guidance and its [Energy Storage Adder Calculator](#) to ensure effective storage sales and deployment.

28.14 Calculation of Incentive Payments for STGUs

- Section 28.14(3) establishes incentive payments for STGUs less than or equal to 25kW, which for Program Year 2025, are set to \$0.03 cents per kWh. Unfortunately, as discussed, ReVision agrees that such a payment is not sufficient to cover the additional costs of SMART participation as opposed to registering the system to sell RECs. For that reason, we do not believe that residential systems will be incentivized to participate in SMART.
 - However, we understand DOER's interest in ensuring all systems participate, and to that end, we propose two solutions. First, if the intention is to have all systems participate to ensure no avoidance of land use issues, we believe projects less than 25kW in size will be installed within the built environment and thus will not have an impact and should be exempt from land use rules. Second, if the concern is regarding reporting, we believe there is a simpler solution in having DOER and the



EDCs access generation data by allowing MassCEC's Production Tracking System to continue to act as an independent verifier with NEPOOL-GIS.

- We urge the Department to consider higher compensation for rooftop systems for the 2025 Program Year, which we believe was justified via evidence the residential solar industry provided in stakeholder sessions with DOER this spring and summer regarding the Straw Proposal. Overall, the direct costs and the staff and labor costs of program participation total \$800 per system, without adding in the costs associated with the SMART meter location requirements (as those vary). When you evaluate benefits over ten years, a typical customer will be better off by nearly \$600 forgoing SMART participation, and customers of smaller systems would see greater returns. Residential installers are also able to complete their projects faster with a higher degree of certainty outside of SMART as they avoid additional metering siting and installation. Should DOER desire participation from these systems, we recommend increasing the adder to \$0.05 or \$0.06 cents per kWh, which the industry believes would adequately incentivize and accurately compensate rooftop systems.

We thank you for your time and consideration of our comments, and we are more than happy to answer any questions regarding specific recommendations or examples of how such policies play out in the field. We appreciate your attention to fine tuning the next iteration of SMART, and we are sincerely grateful for your work in advancing the clean energy economy in the Commonwealth.

Sincerely,

/s/ Lindsay Bourgoine

Lindsay L. Bourgoine
Director of Policy & Government Affairs
ReVision Energy