

**BY ELECTRONIC DELIVERY ONLY**

July 24, 2025

Commissioner Elizabeth Mahony  
Department of Energy Resources  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114

**Re: SMART 3.0 Public Comment**  
*Comments submitted by Conservation Law Foundation*

Dear Commissioner Mahony and Ms. Grace Fletcher:

**I. Introduction**

Conservation Law Foundation (“CLF”) submits the following comments to the Massachusetts Department of Energy Resources (“DOER”) regarding the Solar Massachusetts Renewable Target (“SMART”) program emergency draft regulations under 225 CMR 28.00 published on June 2, 2025.<sup>1</sup> The SMART program is essential to deliver the solar capacity needed to decarbonize Massachusetts’ power sector and achieve the state’s greenhouse gas (“GHG”) emission goals. Renewable energy is essential to meeting the Commonwealth’s climate goals and targets of achieving net-zero GHG emissions by 2050, as required by the Global Warming Solutions Act (“GWSA”)<sup>2</sup> and An Act to Create A Next-Generation Roadmap for Massachusetts Climate Policy (“Roadmap Law”).<sup>3</sup> This program is of utmost importance given the recent challenges to the development of offshore wind.

**II. CLF’s Recommendations**

CLF provides the following recommendations:

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<sup>1</sup> Founded in 1966, CLF is a nonprofit, member-supported, regional environmental organization working to protect New England’s environment for the benefit of all people. We use the law, science, and markets to create solutions that build healthy communities, sustain a vibrant economy, and preserve natural resources.

<sup>2</sup> St. 2008, c. 298.

<sup>3</sup> St. 2021, c. 8.

**The SMART program promotes solar development that must be sited responsibly:** CLF strongly supports DOER's objectives in making SMART program adjustments, which would continue the expansion of solar siting projects while protecting the environment, biodiversity, and residents' access to healthy outdoor spaces. As stated by Mass Audubon, SMART 3.0 should incentivize developers to site solar projects on previously developed buildings, parking lots, and low-impact sites by assigning high scores to developments in these areas, therefore deterring solar development in areas of high conservation value.<sup>4</sup> Scoring should also deter sites which would have cumulative impacts on environmental justice populations that have been disproportionately affected by the negative consequences of energy infrastructure.

**DOER should require developers to pay mitigation fees:** In addition to scoring incentives, DOER should require developers to pay mitigation fees which deter them from building in high conservation areas, and DOER should deploy these funds to the permanent protection of high-value conservation areas. In doing so, SMART 3.0 would continue to spur the expansion of solar siting projects, which are essential to Massachusetts's clean energy goals while ensuring that the environment is adequately protected.

**SMART 3.0 should prioritize transparency, reporting, and increased data collection for annual adjustment tracking:** CLF supports annual adjustments in response to changes in energy and land markets, technology, and economic conditions. However, DOER must transparently and frequently share data on the outcomes of these adjustments with enough detail (e.g. specific locations, annual energy production and SMART compensation, mitigation score and fees per acre) for stakeholders to understand the efficacy of the SMART 3.0 requirements in driving solar development.

**SMART 3.0 should be more accessible to low-income populations:** As recommended by Vote Solar, the program's geographic eligibility should expand beyond areas where household income is at or below 65% of the statewide median. CLF supports broadening eligibility to include areas with household incomes at or below 80% of the area median income, as well as continuing to include Federally Designated Environmental Justice Areas, which are already included in SMART's definition.<sup>5</sup> The current 65% threshold limits program participation and conflicts with broader policy objectives of expanding clean energy to low-income communities. SMART 3.0 should support broader policy goals to expand access to clean energy for low-income households.

**SMART 3.0 should include a clearer implementation timeline:** SMART 3.0 lacks a clear timeline for DOER to issue the required self-attestation documents and fails to address the

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<sup>4</sup> See generally, SMART 3.0 Comment Letter, Mass Audubon.

<sup>5</sup> See generally, SMART 3.0 Comment Letter, Vote Solar.

pre-approval processes for subscriber enrollment. To avoid unnecessary barriers and delays in customer benefits, CLF urges DOER to issue the self-attestation documents within 30 days of the Program launch and establish pre-approval processes at or near the time of project enrollment.

**SMART 3.0 requirements are disproportionate to the administrative benefits for small solar systems:** As developers have mentioned, SMART 3.0's net metering infrastructure imposes significant financial and logistical barriers for small systems which deter them from participating in the Program. Therefore, CLF recommends that SMART 3.0 includes an exemption for small systems from the mandatory meter installation requirements, allowing for alternative compliance pathways. Additionally, CLF recommends that SMART require standardized meter socket configurations compatible with standard production meters, since SMART meters currently utilize different wiring configurations which create technical and financial challenges when the meters are removed at Program conclusion. CLF also recommends that SMART establishes clear protocols for meter replacement at Program conclusion and provides technical guidance for system owners regarding post-program operation since SMART's current metering configurations leave system owners with unfair financial burdens, thus deterring owners from participating in the Program.

**Legislative efforts should not constrain small-scale solar development by mandating enrollment in SMART 3.0:** The Governor's new energy affordability bill aims to integrate net metering into SMART 3.0, which could bring stronger environmental safeguards and land use protections for solar development. However, requiring small behind-the-meter systems to enroll in SMART 3.0 may create new hurdles and alter compensation frameworks for projects that otherwise fit well within net metering, potentially resulting in decreased program participation. Large-scale projects often have greater flexibility to meet SMART's permitting requirements. DOER and the Department of Public Utilities must structure the transition in a way that preserves low-barrier access for behind-the-meter systems, while aligning larger-scale projects with SMART's streamlined processes and conservation standards.

### **III. Conclusion**

CLF appreciates the Commonwealth's efforts to engage the public in its work and looks forward to working with DOER as it helps move our Commonwealth toward a cleaner and electrified future. Thank you for your time and attention to this matter. Please do not hesitate to reach out to Anxhela Mile ([amile@clf.org](mailto:amile@clf.org)) with any questions.



Anxhela Mile, Staff Attorney  
Tiara Nourishad, Legal Intern