

July 11, 2017

Commissioner Judith Judson
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02116

RE: Comments regarding SMART emergency regulations

Dear Commissioner Judson:

Please accept these comments in response to the emergency regulations on the Solar Massachusetts Renewable Target (SMART) program. Pro-Tech Energy Solutions, LLC is one of the largest engineering, procurement and construction companies in the Northeast US and a developer of solar projects throughout the US. Below, we suggest several critical improvements to the SMART program that we hope you will adopt in the final regulations and tariffs. Continued solar growth is critical to the Massachusetts economy and keeping our environment clean and safe for our families and future generations.

The SMART program should be improved by:

1. ***Setting the base compensation rates at a level that will encourage continued solar development and protect solar jobs in the Commonwealth.*** The competitive process to set these levels should be allowed a higher ceiling, \$0.175 per kilowatt-hour, to insure the entire program will work in the years to come. At the same time, additional support (adders) for community solar, low-income solar and other priority development should be protected from decline over time to ensure continued and accelerated growth of these types of projects given their relatively stable additional cost.
2. ***Removing the hard caps on these adders, so that community solar, low-income solar and solar with storage are encouraged as much as possible.*** Caps on the total capacity of projects that can qualify for these adders, proposed at 320 megawatts, conflict with the purpose of the legislation in promoting these important projects. The caps and decline in adder value should be eliminated, or modified to initiate a more gradual decline in adder value instead of a sharp cliff.

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3. ***Encouraging the continued use of solar net metering to fairly compensate solar customers for their valuable solar power.*** The SMART program has not proposed an adequate replacement for net metering and will not be successful without the continued existence of fair and full compensation for solar customers in the Commonwealth. DOER needs to take action to ensure that the proposal for an alternative on-bill crediting mechanism can become a workable, complementary option for community shared and low-income solar projects. There needs to be an open, transparent process into the development of this mechanism before it is proposed to the Department of Public Utilities. In parallel, DOER should work with the legislature to raise net metering caps immediately.
4. ***Clarifying and improving new land use and siting criteria, performance standards, special provisions and greenfield subtractors.*** As written, the current regulations lack sufficient clarity and specificity regarding land use performance standards for ground-mounted projects and special provisions related to agricultural tariff generating units. In general, performance standards and special provisions must be defined in such a way as to not unreasonably hinder the development of ground-mounted projects. The SMART program should also give deference to cities and towns that have gone through the time and effort to identify and zone areas as appropriate for solar/power generation, and projects in these areas should not be subject to a subtractor.

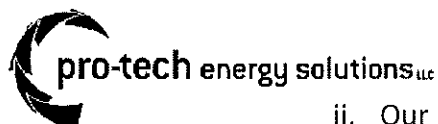
In particular, we propose the following improvements:

- a. Eliminate or Modify Project Segmentation Restrictions
 - i. In particular, the contiguous parcel restriction takes away from a landowner the right to work with a developer to build a solar project if his or her neighbor is in the process of building a solar array or has already built one under the SMART program. Many of the landowners with whom we have worked in the past use revenues from leasing a portion of their property to solar projects in order to continue farming, pay their taxes and fund their retirement. It seems inherently unfair to eliminate this opportunity for such landowners if their neighbor. While the program does allow for placing a solar array on a contiguous parcel twelve months after the Commercial Operation Date of the initial solar array, such an arrangement effectively puts any such project at significant risk of not being allocated capacity under the program and, as such, makes the investment in developing the array potentially untenable.

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- ii. Our understanding of the contiguous parcel restriction is that concentration of solar in particular locations causes a strain on the utility grid. It should be noted that such concentration has resulted in significant benefits to the grid in prior solar programs in the form of solar developers paying to upgrade circuits, substation and protective schemes at no additional cost to ratepayers. This will continue to be the case going forward. Frequently, concentrating solar arrays on contiguous parcels is the only cost-effective way to deal with significant upgrades required for interconnection in certain areas desperately in need of an improvement in infrastructure.
 - iii. We believe that at a minimum the contiguous parcel rule should be eliminated in instances where at least one of the solar arrays on a contiguous parcel installs an Energy Storage System. The installation of an Energy Storage System should lessen the strain on the utility grid and eliminate in part the intermittency associated with solar.
- b. In Section 20.05 (5)(e) 5., Performance Standards:
 - i. Specify that the temporary relocation of topsoil for grading should be allowed as long as topsoil is replaced and no topsoil or other soils are removed from the site.
 - ii. Include standard post-driven pilings along with ballasts and screw-type pilings.
- c. In Section 20.06 (1)(d), Special Provisions for Agricultural Tariff Generation Units:
 - i. Remove the 1 MW AC size cap for Agricultural Solar Tariff Generation Units
 - ii. Provide additional clarity on the meaning of the 50% shading requirement.
 - iii. Reduce the fixed-tilt minimum from six feet to three feet, as well as reduce the horizontal tracking canopy from ten feet to six feet.
- d. Remove performance standards and land based (including agriculture) special provisions from the emergency regulations and establish them as guidelines.

Thank you for your work to continue Massachusetts' solar leadership. We appreciate the opportunity to comment on the SMART program and hope you will make these much-needed changes.

Sincerely,

A handwritten signature in black ink that reads "Guy Winters". The signature is written in a cursive, flowing style.

Guy Winters
Chief Operating Officer

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