

February 2, 2024

Renewable and Alternative Energy Division  
Massachusetts Department of Energy Resources  
100 Cambridge St. Suite 1020  
Boston, MA 02114

Email: DOER.SMART@mass.gov  
Re: SMART Review Comments

Dear DOER,

PureSky Energy respectfully submits feedback pursuant to the comment opportunity during the SMART Program review process. PureSky Energy is a community solar developer with over 50 MWdc of operating solar in Massachusetts along with over 115 MWdc of prospective solar actively in development within the state. This represents a significant investment and opportunity in the Commonwealth to achieve its clean energy goals.

Please find our responses to select questions below and do not hesitate to let us know if we could provide any additional feedback or detail.

Thank you,

*Andrew Chabot*

Andrew Chabot  
Director, Development  
PureSky Energy

---

1. The SMART program currently provides added incentives for certain project types, including building mounted, canopy mounted, landfill, brownfield, agricultural, floating, community solar, and projects serving low income or public entities, projects with energy storage, and axis tracking. DOER seeks additional feedback on changes or improvements that will advance achievement of the Commonwealth's 2050 GWSA mandates while balancing land use, equity, and economic considerations.

A. What project type incentive changes could improve program outcomes?

**Incentive levels should be increased to motivate developers to pursue projects quickly in this difficult market. High interconnection costs outweigh the available benefit of SMART incentives at their current and declining values. There have been some measurable reductions in equipment cost over past decade, but the those have largely diminished due to**

inflation and supply chain disruptions, while SMART program values continue to decline.

Additionally, if a Community Solar project is undersubscribed, the unallocated credits should be banked at the Host account at full monetary value and the Host should be able to redistribute these credits at full value for at least 2 years. Currently, we are paid around \$0.03-\$0.04 kWh for unallocated credits annually which is a loss of 80%+ in revenue.

There should be increased adders for LMI customers to help mitigate the additional risk and customer replacement costs.

b. Should other project types also be prioritized?

The state would benefit by prioritizing projects associated with Community Choice Aggregation within a project's host community. The SMART program can encourage and prioritize this with a new 'CCA' offtake adder that would ensure project benefits and energy savings are delivered directly to the communities in which they are located. The adder should be adequately priced to motivate developers to select this offtake option over others, encouraging their proactive engagement with Massachusetts communities. The adder could be verified by way of a memorandum of understanding or similar agreement with the community, and by making final SOQ dependent on the submission of a fully executed agreement with one or more CCA counterparties that requires at least 50% of energy offtake be allocated to these qualifying entities.

Community pushback, along with interconnection constraints, is one of the top barriers to empowering solar developers to contribute clean generation that will allow the state to meet its carbon reduction targets. An adder that recognizes and mitigates this risk will benefit the entire spectrum of stakeholders.

2. The current SMART program structure includes a declining block model. Is a structure with fewer blocks and a greater decline between blocks preferable to a greater number of blocks with a smaller decline between blocks? Are there any other modifications to the declining block model structure that could more effectively support solar development?

**No, PureSky does not favor the proposal to incorporate fewer blocks with a greater decline between blocks. This would put projects at increased risk of financial infeasibility if they were to unintentionally fall into a later block due to interconnection challenges or permitting delays outside the developer's control.**

Currently, projects that may fall into a single block are typically not at risk of becoming uneconomic, but that could change if the incentive size drops rapidly and would also have the unintended consequence of creating a lumpy project deployment timeframe. To the extent that program modifications can be put into effect that help account for macroeconomic trends (e.g. interest rates) it would significantly benefit our ability to

**deploy solar quickly.**

3. Are any eligibility criteria in the SMART program a barrier to participation? What are they, and how would you address these barriers? How would you streamline these eligibility criteria?

**The prohibition against siting solar in BioMap areas is highly restrictive for program participation and the primary challenge we face in locating new viable sites close to available grid hosting capacity. Considering the interconnection constraints within Massachusetts, which won't be relieved until 2028 at the earliest when ESMP-mandated substation upgrades are finalized, the sites available have become minimal.**

**PureSky has effectively ceased securing sites for solar development over the past year due to the dampening effect of these factors on site availability and it is currently unclear whether we would be able to continue developing solar beyond what currently exists in our pipeline today.**

**Another challenge currently faced is that we are unable to enter into impact studies with the electric utilities due to the ongoing 20-75 CIP process with the DPU. This puts us in the unfortunate position of being unable to proceed with interconnection assessment or even apply for incentive for our projects while we wait for these to resolve so that our projects may be considered for assessment. It would be highly beneficial if the program requirement around interconnection agreement submissions was relaxed for initial incentive submission to allow for projects to secure an incentive reservation and progress project development towards financing and construction while interconnection backlogs were resolved.**

4. Is the current SMART reservation period (excluding any blanket extensions) adequate given current development and construction timelines? If possible, please provide a representative project timeline inclusive of key project milestones, such as permitting, procurement, and interconnection, to help inform DOER's understanding of the development process and current project timelines.

**It was a relief to be granted the blanket extensions in summer 2023 for our issued Preliminary Statement of Qualifications. The current updated reservation period is feasible assuming PSOQs are issued promptly and that electric utilities are able to complete their work within the available time allotted.**

5. Are there any emerging technologies or project types that are not currently eligible for SMART that DOER should consider making eligible for the program? Please describe potential project applications, any suggestions for eligibility requirements, and what level of incentives if any would be needed spur project development of the project type.

**PureSky has no comment at this time.**

6. Are program compliance requirements clear prior to program enrollment? What are the key challenges with satisfying the data and/or documentation requirements for various program compliance checks, such as compliance with the energy storage, low-income, or community solar requirements? Are there any modifications you would suggest to DOER's compliance processes, or alternative data/documentation you believe could satisfy the requirements?

**Utilities should be required to share all customer usage data with developers monthly so we can make sure customers are sized correctly at the time they sign up and over the years as their electrical consumption changes.**

**We would also advocate for a change in allocation schedules which currently only allows six per year. Given the addition to LMI customers we anticipate there being a greater churn monthly. The flexibility to submit 12 allocation schedules per year will be very important for owners and operators to keep projects 100% subscribed.**

**The compliance requirements for Agricultural Solar Tariff Generation Units should be made less onerous and prescriptive. There are a wide variety of agricultural uses that would not benefit from some of the constraints posed in the current regulations. For example, the 10-foot minimum height requirement for sheep grazing is not practical based on the intended agricultural use for a particular site.**

**The reporting requirements, minimum height requirements, and shading tool requirements are overly restrictive, discouraging creative solutions and innovative land uses that integrate clean energy and agriculture. A less prescriptive approach would encourage broader program participation while keeping developer costs manageable. Other states, such as Illinois, are deploying dual use projects at greater growth in part because there are fewer restrictions put in place for these system types.**

7. Are SMART application processes and requirements clear? Is communication between applicants, the Solar Program Administrator, and DOER clear and effective? Please describe any improvements you believe could be made to the SMART application process.

**SMART application processes and requirements as described in 225 CMR 20.00 and the associated guidelines are informative but often difficult to decipher. DOER staff are frequently required to clarify key elements.**

**PureSky proposes two amendments to the SMART application portal. First, the portal is clunky, difficult to navigate, and does not allow for effective project modification in a timely manner. We would recommend a rebuild of this resource to allow for a better user experience.**

**Second, the portal would benefit from additional descriptive or sample text around the input fields so that the request for information is clear. For example, there is a field simply**

**labeled 'AOBC'. Spelling out acronyms, providing examples or including extra description in the prompts will ensure parties are uploading correct and relevant responses and work product, to the benefit of both applicants and program administrators.**

8. Are there solar canopy project types that currently fall outside the SMART program's definition of Solar Canopy that you believe should be eligible for the Canopy adder? Please provide example project types and describe their benefits.

**PureSky has no comment at this time. We currently do not pursue solar canopy projects due to the difficult logistical challenges around site control, construction, and most importantly the additional high capital expenditure cost of these systems.**

9. Are there examples of dual use agrivoltaics policies in other jurisdictions that align with Massachusetts' solar and agricultural objectives? Please provide citations and summaries of those policies.

**As discussed in the response to question 6 above, a less prescriptive program design would make the program more accessible to solar developers and farmers.**

**Illinois' program allows agrivoltaics to be limited to sheep grazing for vegetation management. With this program there is no additional incentive, but the scoring process gives preference to these projects to become eligible for the state community solar incentive program.**

**Allowing sheep grazing for agrivoltaics helps the state incentivize the protection of prime farmland and open spaces. It also acknowledges projects that must perform additional design work to optimize the grazing and seed planting and are thereby met with increased build costs.**

10. What modifications to SMART incentive payment calculations, as currently set forth in 225 CMR 20.08, if any, are needed? Please provide examples formulas or calculations for DOER review.

**PureSky has no comment at this time.**

11. How could the program be designed to insulate projects and participants from unforeseen market circumstances that materially impact the value of the SMART program incentive? For example, global events impact supply chain and energy costs.

**A more straightforward extension process for projects that have gone under various delays to interconnection and permitting with the local AHJ would be highly beneficial. The good cause extension framework is valuable but highly opaque for what would qualify and under what circumstances it could be used.**

12. What additional consumer protection measures or modifications to existing measures should the SMART program incorporate to ensure such protections are achieving their objectives, especially as they pertain to low-income customers?

**Utility Consolidated Billing should be put in place as quickly as possible and made accessible for all Community Solar projects in Massachusetts, operational or under construction, similar to what National Grid has done in New York. Forcing customers to pay another bill to the Community Solar developer creates a poor customer experience, especially for LMI customers, and additional liability for project owners. LMI customers should never have to pay more monthly than their existing utility bill. UCB will resolve this by only applying a discount based on the customers monthly bill and rolling over the remaining credits until they can be used.**

13. Are there any Commonwealth policies (e.g., renewable energy goals, land use priorities, housing policy) that you believe the SMART program inadvertently conflicts with? Please describe any potential modifications to SMART that would alleviate these conflicts.

**We strongly urge the DOER to remove restrictions on certain siting criteria for solar via the SMART program. The state has set aggressive electrification and carbon reduction goals, which would be difficult if not impossible to achieve without the expeditious deployment of ground mounted solar systems.**

**Key restrictions preventing developers like PureSky Energy from meeting the state's key goal on decarbonization are restrictions around BioMap as well as the Greenfield Subtractor.**

**We note also that, per delayed Capital Investment Project submissions through DPU order 20-75 along with the long timeline expected for Electric Sector Modernization Plans to come into effect, solar developers will not see any additional hosting capacity made available on the electric grid until 2028 at the earliest. This will result in several years of inactivity in the Massachusetts solar industry during this period.**

**In particular, the Technical Potential of Solar study that was published has mischaracterized the availability of land for solar, as the factor contributing to grid availability simply took distance into account from substations rather than actual hosting capacity and select locations. The public has incorrectly assumed that ground mounted solar is not needed which has provided significant headwinds in the local permitting and community engagement process.**

14. Is there any additional feedback you wish to provide to DOER?

**An area that has been explored but has not progressed beyond initial conversations with host municipalities would be the ability for them to participate as an operations and maintenance provider to qualify the project as a public entity project. Clarity is needed on O&M public entity option and what qualifies a municipality under this framework as serving in this role.**

**We would also like to take the opportunity to reiterate that it is currently extremely difficult to locate feasible sites for ground mounted solar within the state, with existing SMART restrictions contributing to the majority of available sites being deemed infeasible primarily due to BioMap or Greenfield Subtractor restrictions.**

**We urge the DOER to exercise restraint in any program modifications that would result in further restrictions towards land siting criteria, as it would further hinder our ability to do business within Massachusetts and potentially lead to us discontinuing operations here.**