

**Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs
DEPARTMENT OF ENERGY RESOURCES**

**RENEWABLE ENERGY PORTFOLIO STANDARD
(225 CMR 14.00)**

GUIDELINE

RPS Solar Carve-Out II Assurance of Qualification Guideline

Original Effective Date: April 25, 2014

Revised: February 5, 2016

1) Purpose

This Guideline provides prospective Solar Carve-Out II Generation Units with the process and procedures by which they may obtain an assurance that they will be eligible to receive a Statement of Qualification under 225 CMR 14.00. This Guideline is applicable to Solar Carve-Out II Generation Units that are within nine months of being authorized to interconnect by their local distribution company. Projects that meet the eligibility criteria, but do not expect to meet the timelines outlined in the Guideline, should not submit a Statement of Qualification Application.

2) Scope

This Guideline applies to all Solar Carve-Out II eligible Generation Units that have either already received or will be seeking an Assurance of Qualification or a Statement of Qualification under the Solar Carve-Out II Program Capacity Cap as of the Effective Date.

3) Definitions

The terms “Aggregation,” “Assurance of Qualification,” “Authorized Agent,” “Business Day,” “Compliance Year,” “Department,” “Generation Unit,” “Guideline,” “MassCEC,” “Operator,” “Owner,” “Solar Carve-Out II Program Capacity Cap,” “Solar Carve-Out II Renewable Generation Unit,” and “Statement of Qualification” shall be defined as set forth in 225 CMR 14.02. Additional terms shall be defined as follows:

Annual Capacity Block: The block of capacity set aside for Solar Carve-Out II Renewable Generation Units that fall under the Managed Growth Sector in a particular Compliance Year as described in 225 CMR 14.05(9)(m).

Application: The prescribed form(s) containing the information (and including supporting documentation and Certification) necessary to determine eligibility for a Statement of Qualification, Assurance of Qualification, or a position on the Managed Growth Annual Capacity Block Waiting List or Solar Carve-Out II Program Capacity Cap Waiting List pursuant to Section 4 of this Guideline.

Certification: A written statement based on knowledge, information, and belief that the relevant claims are true.

Effective Date: The date on which this Guideline is first issued by the Department.

Interconnection Service Agreement: The agreement for interconnection service entered into between an interconnecting customer and a distribution company, as provided in each distribution company's standards for interconnection of distributed generation.

Managed Growth Annual Capacity Block Waiting List: A list and ordered queue of Solar Carve-Out II Renewable Generation Units that would receive an Assurance of Qualification if there were capacity under an Annual Capacity Block, and that may receive an Assurance of Qualification if capacity becomes available under an Annual Capacity Block.

Online Registration Form: An online registration platform hosted by the MassCEC that is managed and administered by the Department and serves as the platform by which Solar Carve-Out II Renewable Generation Units submit Statement of Qualification Applications (SQAs).

Reservation Period: The period for which a Solar Carve-Out II Renewable Generation Unit is entitled to an Assurance of Qualification prior to a Solar Carve-Out II Renewable Generation Unit's receipt of notice of authorization to interconnect from its local distribution company.

Small Generation Unit: Any Generation Unit with a rated capacity equal to or less than 25 kW DC.

Solar Carve-Out II Program Capacity Cap Waiting List: A list and ordered queue of Solar Carve-Out II Renewable Generation Units that would receive an Assurance of Qualification if there were capacity under the Solar Carve-Out II Program Capacity Cap, and that may receive an Assurance of Qualification if capacity becomes available under the Solar Carve-Out II Program Capacity Cap.

4) Obtaining an Assurance of Qualification

(A) Application for Assurance of Qualification

An Assurance of Qualification, Managed Growth Annual Capacity Block Waiting List, or Solar Carve-Out II Program Capacity Cap Waiting List status as described in Section 4(C) of this Guideline, will be granted to all Solar Carve-Out II Renewable Generation Units that both submit to the Department a complete Statement of Qualification Application (SQA) and can demonstrate that they meet the criteria set forth in 225 CMR 14.05(9)(p), which states the following:

(p) The Department shall grant a Statement of Qualification to Solar Carve-Out II Renewable Generation Units that have been granted the approval to interconnect to the grid by their local distribution company and meet the eligibility criteria prescribed in 225 CMR 14.05(9). The Department shall grant an Assurance of Qualification, or queuing position, to all Solar Carve-Out II Renewable Generation Units, as provided in 225 CMR 14.05(9)(n), that provide evidence of the following:

1. an executed Interconnection Service Agreement, as tendered by the distribution company;
2. adequate site control (a sufficient interest in real estate or other contractual right to construct the Unit at the location specified in the Interconnection Service Agreement); and
3. all necessary governmental permits and approvals to construct the Unit with the exception of ministerial permits, such as a building permit, and notwithstanding any pending legal challenge(s) to one or more permits or approvals.

(B) Determination of Queuing Order and Application Periods

i. Ordering of Applications

The order in which prospective Solar Carve-Out II Renewable Generation Units shall be allocated an Assurance of Qualification or a position under the Managed Growth Annual Capacity Block Waiting List and/or Solar Carve-Out II Program Capacity Cap Waiting List shall be determined by the calendar date on which a complete Statement of Qualification Application is submitted to the Department, in accordance with section 4(C). In the event that more than one complete Statement of Qualification Application is submitted to the Department on the same calendar day, the order will further be determined by the execution date of the Generation Unit's Interconnection Service Agreement. In the event that more than one complete Statement of Qualification Application has the same Interconnection Service Agreement execution date, the order will be further determined by the Department through an unbiased random selection.

ii. Initial Application Period

Notwithstanding the process outlined in section 4(B)i, the initial Application period for projects seeking an Assurance of Qualification will begin on May 13, 2014 and last through May 20, 2014. Applications received by the Department during this period will be considered to be received at the same time, provided they are determined to be complete, in accordance with section 4(C). In the event that more than one complete Statement of Qualification Application is submitted to the Department during this period, the order will further be determined by the execution date of the Generation Unit's Interconnection Service Agreement. In the event that more than one complete Statement of Qualification Application has the same Interconnection Service Agreement execution date, the order will be further determined by the Department through an unbiased random selection.

iii. Future Application Periods

All Application periods for Annual Capacity Blocks subsequent to those for 2014 and 2015 will begin on April 1st of the preceding year. This means that the Department will begin accepting Applications for projects seeking an Assurance of Qualification under the Annual Capacity Block for 2016 on April 1, 2015. For projects seeking an Assurance of Qualification under the Annual Capacity Block for 2017, Applications will be accepted beginning on April 1, 2016. Application periods for future blocks will follow the same schedule. Projects that do not fall under the Managed Growth Market Sector are not constrained by these periods and may seek an Assurance of Qualification at any time.

(C) Complete Statement of Qualification Applications

A complete Statement of Qualification Application for a prospective Solar Carve-Out II Renewable Generation Unit shall include the following components:

i. Complete Application for an Assurance of Qualification

a. Submitted Web-Based Application

The web-based Application that must be submitted using the Online Registration Form in order to qualify and register any RPS Solar Carve-Out II eligible Generation Unit or Aggregation. A complete Application must include the following:

1. Site Information;
2. System Capacity;
3. Market Sector Qualification;
4. Owner and Applicant Contact Information;
5. Signed Interconnection Service Agreement;
6. Proof of Site Control;
7. Non-ministerial Permits; and
8. Certification by the Authorized Representative

b. Renewable Energy Certificate (REC) Services Agreement

An executed REC Services Agreement must be submitted for all projects that are members of an Aggregation in which the Generation Unit Owner or Operator is not the same as the Authorized Representative.

ii. Complete Application for a Statement of Qualification

a. Submitted Web-Based Application

The web-based Application that must be submitted using the Online Registration Form in order to qualify and register any RPS Solar Carve-

Out II eligible Generation Unit or Aggregation. A complete Application must include the following:

1. All information and data fields required in the SQA;
2. Authorization to interconnect; and
3. Additional documentation as needed for Market Sector Qualification

b. Renewable Energy Certificate (REC) Services Agreement

An executed REC Services Agreement must be submitted for all projects that are members of an Aggregation in which the Generation Unit Owner or Operator is not the same as the Authorized Representative.

(D) Waiting Lists

If there is insufficient capacity under the Solar Carve-Out II Program Capacity Cap or an Annual Capacity Block for an Assurance of Qualification to be granted to a Generation Unit, the Department shall add the Generation Unit to the applicable Managed Growth Annual Capacity Block Waiting List or Solar Carve-Out II Program Capacity Cap Waiting List. Priority on a waiting list shall be based on the date that the Department receives a complete Application. It is possible for a project that falls under the Managed Growth Market Sector to fall under both Waiting Lists simultaneously.

As capacity under the Solar Carve-Out II Program Capacity Cap or an Annual Capacity Block becomes available (e.g. through a Generation Unit losing its Statement of Qualification or Assurance of Qualification), the Department shall offer such available capacity to Generation Units on the applicable waiting list(s), in order of priority as follows:

- i. If the capacity offered to a Generation Unit on a waiting list is equal to or greater than the amount sought in an Application, the Generation Unit may accept the offer. If the Generation Unit does not accept the Assurance of Qualification offered or does not respond within 15 Business Days of the offer, the Department shall deem the Application withdrawn, its Assurance of Qualification will be revoked, and the capacity will be offered to the next Generation Unit on a waiting list.
- ii. If the amount of capacity offered to a Generation Unit is less than the amount sought in an Application, the Generation Unit may accept a prorated Assurance of Qualification equal to the percentage of the project that could qualify under the existing Solar Carve-Out II Program Capacity Cap or an Annual Capacity Block. As additional capacity becomes available under the Solar Carve-Out II Program Capacity Cap or an Annual Capacity Block, it will be assigned to the same Generation Unit until 100 percent of the capacity listed in its Application can qualify under the existing Solar Carve-Out II Program Capacity Cap or an Annual

Capacity Block. Reservation periods established under Section 5 of this Guideline shall not begin until a Generation Unit has accepted a partial Assurance of Qualification or received an Assurance of Qualification for 100 percent of the capacity listed in its Application.

(E) Loss of Assurance of Qualification or Position on a Waiting List

A Solar Carve-Out II Renewable Generation Unit or Generation Unit that has obtained an Assurance of Qualification, or position on a waiting list shall lose such Assurance of Qualification or position on a waiting list if it: (1) fails to meet applicable deadlines; (2) makes any changes identified in Section 6(B) of this Guideline; (3) submits an Application that contains material misrepresentations; or (4) fails to comply with the verification requirements under Section 8 of this Guideline.

(F) Set-Aside for Small Generation Units

- i. When 60% of the Solar Carve-Out II Program Capacity Cap has been allocated to projects in the form of Assurances of Qualification or Statements of Qualification, the Department may establish a set-aside of the Solar Carve-Out II Program Capacity Cap for Small Generation Units with a revision to this Guideline, subject to public review and comment.
- ii. As of January 4, 2016, 60% of the Solar Carve Out II Program Capacity Cap has been allocated in the form of Assurances of Qualification or Statements of Qualification. Pursuant to 225 CMR 14.05(9) and Section 4(F)i. the Department has determined that the amount of the set-aside for Small Generation Units shall be 120 MW.

(G) Withdrawal of Assurance of Qualification

Solar Carve-Out II Renewable Generation Units may withdraw their Assurance of Qualification at any point in time. Should a Solar Carve-Out II Renewable Generation Unit withdraw its Assurance of Qualification and submit a new Application for the same Generation Unit, the order in which the new Application will be reviewed will be based on the date on which the new complete Statement of Qualification is submitted to the Department, pursuant to Section 4(B). Upon receiving a new Assurance of Qualification, the Solar Carve-Out II Renewable Generation Unit will receive a new initial Reservation Period, pursuant to Section 5(A).

5) Reservation Periods

(A) Initial Reservation Period and Requests for Extensions

The initial Reservation Period begins when the Department notifies a Solar Carve-Out II Renewable Generation Unit of an Assurance of Qualification. The initial Reservation Period shall be nine months for all Solar Carve-Out II Renewable Generation Units. No later than 30 calendar days before the end of the Initial Reservation Period, a Solar Carve-Out II Renewable Generation Unit may request that the Department grant an Extended Reservation Period as provided in section 5(B). The Department shall review and respond within 15 Business Days to any Solar Carve-Out II Renewable Generation Unit's request for an extension of the Reservation Period. At the end of the Reservation Period, including the initial Reservation Period and all applicable extensions, the Reservation Period shall automatically expire without further action or notice by the Department.

(B) Extended Reservation Periods

i. Extended Reservation Period

As provided in sections 5(B)(ii) and 5(B)(iii), if granted by the Department, an extended Reservation Period begins the first day after the end of the initial Reservation Period or prior extension, provided that the Solar Carve-Out II Renewable Generation Unit has not previously sought the same extended Reservation Period for the Solar Carve-Out II Renewable Generation Unit's Assurance of Qualification.

ii. Extended Reservation Period for Legal Challenges

Any Solar Carve-Out II Renewable Generation Unit may seek an extended Reservation Period of up to six months if the Solar Carve-Out II Renewable Generation Unit submits a Certification that a governmental permit or approval of the Solar Carve-Out II Renewable Generation Unit was subject to a legal challenge during the initial Reservation Period, and the legal challenge remains pending.

iii. Extended Reservation Period Pending Authorization to Interconnect

When a Solar Carve-Out II Renewable Generation Unit can demonstrate to the Department's satisfaction that interconnection depends only upon receipt of notice of authorization to interconnect from the distribution company, the Reservation Period shall be extended indefinitely until such notice is received or denied.

6) Impact of Facility Changes

(A) Permissible Changes

The Solar Carve-Out II Renewable Generation Unit shall report to the Department any of the following changes, which will not invalidate an Application, a Statement of Qualification, an Assurance of Qualification, or a position on a waiting list as follows:

- i. A change of the Owner, Operator, or Authorized Agent of the Solar Carve-Out II Renewable Generation Unit.
- ii. A change in the Solar Carve-Out II Renewable Generation Unit's equipment (e.g. manufacturer, brand, etc.), provided the change does not invalidate the executed Interconnection Services Agreement with the distribution company, the Statement of Qualification Application, a Statement of Qualification, an Assurance of Qualification, or a position on a waiting list.
- iii. A reduction in the capacity of the Solar Carve-Out II Renewable Generation Unit. Based on such notification, the Department shall revise the amount of capacity the Solar Carve-Out II Renewable Generation Unit has been allocated under the Solar Carve-Out II Program Capacity Cap or an Annual Capacity Block.
- iv. An increase in the capacity of the Solar Carve-Out II Renewable Generation Unit if there is available capacity under the Solar Carve-Out II Program Capacity Cap or an Annual Capacity Block and no other Solar Carve-Out II Renewable Generation Unit is on a waiting list. A Solar Carve-Out II Renewable Generation Unit that requests an increase in capacity under the Solar Carve-Out II Program Capacity Cap or an Annual Capacity Block must submit the same documentation required in Section 4 and in 225 CMR 14.05(9)(o) with respect to the additional capacity.

(B) Prohibited Changes

The Solar Carve-Out II Renewable Generation Unit shall report to the Department any changes to the Solar Carve-Out II Renewable Generation Unit that make it ineligible for the RPS Class I Solar Carve-Out II (e.g. capacity increase that makes the system larger than 6 MW DC per parcel, capacity added that interconnected outside the Commonwealth of Massachusetts electric grid, etc.), which will invalidate an Application, a Statement of Qualification, an Assurance of Qualification, or a position on a waiting list.

As a result of any such changes, the Application will be deemed to have been withdrawn by the Solar Carve-Out II Renewable Generation Unit and the Solar Carve-Out II Renewable Generation Unit must submit a new Application if it seeks further qualification.

7) Processing of Applications

(A) Priority of Applications

The Department shall prioritize complete Applications as prescribed in section 4(B).

(B) Timing of Review

The Department shall notify a Solar Carve-Out II Renewable Generation Unit or its Authorized Agent within 30 days of the submission date whether the Application is complete or incomplete.

(C) Issuance of Assurance of Qualification

If the Application is complete, the Department shall notify the Solar Carve-Out II Renewable Generation Unit of its receipt of an Assurance of Qualification or placement on a waiting list.

(D) Cure Process

If the Application is incomplete, the Department shall notify the Solar Carve-Out II Renewable Generation Unit of the deficiency and provide it with the opportunity to cure the deficiency. In notifying the Applicant, the Department may set a deadline by which a complete Application must be resubmitted. If a complete application is not resubmitted by the deadline, the Application will lose its priority in the order in which Applications are processed and granted Assurances or Statements of Qualification.

(E) Maintenance of Waiting Lists

The Department shall maintain both a Managed Growth Annual Capacity Block Waiting List and a Solar Carve-Out II Program Capacity Cap Waiting List of Generation Units that have applied for an Assurance or Statement of Qualification and been denied solely because the Department has determined, pursuant to Section 4(D), that no additional capacity is available under the applicable Solar Carve-Out II Program Capacity Cap or Annual Capacity Block.

(F) Notification Procedures

The Department shall notify the Solar Carve-Out II Renewable Generation Unit or its Authorized Agent as soon as is practicable of the Solar Carve-Out II Renewable Generation Unit's loss of its Assurance of Qualification, Statement of Qualification, or place on a waiting list pursuant to section 4(E).

8) Verification

A Solar Carve-Out II Renewable Generation Unit must provide, at any time and without cause, copies of any documents deemed by the Department as reasonably necessary to confirm the facts related to an Application or to investigate any allegation of fraud or misrepresentation in an Application. A Solar Carve-Out II Renewable Generation Unit shall provide the Department with any requested documents within 10 Business Days of a request.

9) Miscellaneous

The Department may permit an exception from any provision of this Guideline for good cause.