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May 27, 2016

SENT VIA ELECTRONIC MAIL

Department of Energy Resources
Attn: Kaitlin Kelly
100 Cambridge Street, Suite 1020
Boston, MA 02114

RE: SRECTrade Comments on RPS Class I Emergency Regulation (225 CMR 14.00)

Dear Ms. Kelly,

Please find enclosed SRECTrade's comments on the RPS Class I Emergency Regulation (225 CMR 14.00) (the "Regulations"). SRECTrade appreciates the opportunity to submit the following comments on the Regulations and thanks the DOER (the "Department") for its consideration.

Clarification to "Statement of Qualification Application" and Satisfactory Documentation

In regards to the revised language of 225 CMR 14.05(9)(s), with specific reference to 225 CMR 14.05(9)(s)4 and 225 CMR 14.06, SRECTrade requests that clarification be made to the "Statement of Qualification Application", the "project construction timelines", and other defined or referenced terms. As drafted, the Regulations state that a facility...

"...that does not receive its authorization to interconnect or permission to operate from its local distribution company within nine months of April 8, 2016, may also retain its Statement of Qualification if it can meet the following criteria:

- a. If a Solar Carve-out II Renewable Generation Unit can demonstrate to the Department's satisfaction that its interconnection depends only upon receipt of notice of authorization to interconnect from the distribution company, its Statement of Qualification shall be extended indefinitely until such notice is received or denied.
- b. If a Solar Carve-out II Renewable Generation Unit can demonstrate to the Department's satisfaction that good cause warrants an extension outside of that permitted under 225 CMR 14.05(9)4.a, its Statement of Qualification shall be extended by an amount of time to be determined by the Department."

However, the revisions made to 225 CMR 14.06 and other relevant sections of the Regulations do not make clear what shall constitute a "complete Statement of Qualification Application" as referenced under 225 CMR 14.05(9)(s)2 for facilities with a rated capacity greater than 25 kW. To date, and as referenced in 225 CMR 14.06, a complete Statement of Qualification Application for any Solar Carve-out II Renewable Generation Unit includes proof of approval to interconnect. *See* 225 CMR 14.06(3)(g), which reads: "Statements of Qualification...shall only be granted to those Units that can demonstrate that they have been granted the approval to interconnect by the local distribution company." This provision conflicts directly with the provisions of 225 CMR 14.05(9)(s)4, which allow for an (albeit conditional) issuance of a Statement of Completion, which would be earned from what could be considered an "incomplete" Statement of Qualification Application as the Regulations are currently drafted and



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proposed. Accordingly, SRECTrade recommends that the Department refine and reconcile the discrepancies to clarify and confirm that:

1. A Solar Carve-out II Renewable Generation Unit with a rated capacity greater than 25 kW may submit a Statement of Qualification Application with *either* proof of their approval to interconnect or proof of construction, which should be clearly defined by the DOER, and that such a Statement of Qualification Application shall be considered “complete” for the purposes of 225 CMR 14.05(9)(s)2 and 225 CMR 14.06, so long as the conditions of the granting of the Statement of Qualification under 225 CMR 14.05(9)(s)4 are met; and
2. The conditions of 225 CMR 14.05(9)(s)4(a) and (b) must *both* be satisfied in order to receive an extension from the Department, the clarification on which can be achieved by adding an “and” between 225 CMR 14.05(9)(s)4(a) and (b).

In addition, SRECTrade requests that the Department issue guidance or further clarification on what constitutes proof “that [the Unit’s] interconnection depends only upon receipt of notice of authorization to interconnection from the distribution company”. In order to meet “the Department’s satisfaction” of this condition, what must the Unit owner or applicant provide in terms of interconnection paperwork or other installation documentation? As with its request to clearly define what shall suffice for “proof of construction”, SRECTrade believes that clarification on these requirements, or additional guidance issued outside of the Regulations, will enable applicants to be better prepared when submitting Statement of Qualification Applications and requests for extensions as the “within nine months of April 8, 2016” deadline approaches. In the interest of achieving maximum efficiency for the submission and review of Statement of Qualification Applications, and for the issuance of Statement of Qualifications and extensions thereto, SRECTrade requests that the Department make these clarifications in the Regulations.

Should you have any questions regarding these comments, please do not hesitate to contact me.

Best Regards,

Allyson Browne

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