



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, Secretary & CEO  
Thomas J. Tinlin, Administrator



May 20, 2016

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

**Re:** RPS Class I Emergency Regulation (225 CMR 14.00)

Dear Ms. Kelly.

We appreciate the opportunity to comment on the subject regulation. MassDOT-Highway has a number of planned and contracted solar photovoltaic sites that are impacted by the regulation. We currently are contracted with Ameresco Inc. to develop a minimum of 6 mW statewide. We have approximately 2.5 mW activated to date.

MassDOT-Highway started our PV development effort in 2012 with a small pilot project at our District 2 Administration building in Northampton. In early 2014, after an extensive feasibility study effort and internal canvas process, we awarded a contract to Ameresco, the lowest bidder of our RFR. This came at a time when SREC-II provisions were being promulgated. Once SREC-II was in place MassDOT-Highway finalized the Master License Agreement and PPA's, issued permits and granted Ameresco a notice to commence construction in November 2014 on our Phase 1A sites. These sites were mechanically complete in late spring of 2015, but due to delays in interconnection and utility upgrades did not come online until late summer and early fall 2015.

I provide this brief history to demonstrate that it required over two years from feasibility study to activation. Much of the time was related to our procurement process, waiting for SREC-II, delays in utility connection and weather restrictions. The actual construction time for our ground-mounted systems was only a few months.

As we moved towards developing our Phase 1B sites (primarily in western Massachusetts) we had delays in the Town review process, the utility impact studies, re-negotiating PPA's based on required changes from those reviews, etc. When we were ready to proceed (January 2016) the SREC-II and net-metering program was again on hold until the recent legislative and regulation changes.

I cannot over emphasize the delays and uncertainties inherent in the process as a State Agency. We have commitments to develop in excess of 6 mW and would like to meet our state agency cap of 10 mW but roadblocks, both external and internal continue to plague the process.

We have performed feasibility studies for Solar Canopies at various Park & Ride lots, but proceeding with those efforts would be near impossible given the 10-12 week lead times for the structures and our experience with local and utility approvals and upgrades. Old man winter has a way of thwarting the best of efforts and intentions.

I understand that we need to draw the line somewhere, that we want to avoid adding projects to a list that may not be realistic. MassDOT-Highway has done the ground work. We have performed the feasibility studies, we have agreed on our budget/fiscal sides to fund these efforts where it makes sense to do so. The Mechanical completion, while an easily verified milestone, does not guarantee activation. Some utilities are suggesting upgrade lead times on the order of 18-24 months. This uncertainty and the inability to collect on SREC's make proceeding with canopy development very risky to both third party developers and state agencies.

Ten Park Plaza, Suite 4160, Boston, MA 02116  
Tel: 857-368-4636, TTY: 857-368-0655  
[www.mass.gov/massdot](http://www.mass.gov/massdot)

Consideration should be given to using other verifiable means to allow state agencies to remain under the SREC-II window. Examples could include: impact studies performed, on a net-metering waiting list, contract in-place....and as we get closer to the end of the year...demonstration that the project development is moving forward by providing proof of paid invoices on panels, inverters and support structures. Once those PO's are in place contractors have a strong financial incentive to get the work completed. Can SREC's be earned 10 years from site activation, perhaps with some ultimate deadline of 12/30/2017?

Finally, if MassDOT-Highway does not get our projects under SREC-II we lose further ground while awaiting its replacement regulation followed by a renegotiation of PPA rates and decisions on financials. There are so many moving parts in this industry that partners need assurances when advancing projects.

Thank you for considering my comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Petty', with a stylized flourish at the end.

Donald Pettey  
Program Manager for Strategic Initiatives