



Commissioner Patrick Woodcock
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114
Email: DOER.SMART@mass.gov
Re: Revised SMART Program ASTGU Guidelines

Dear Commissioner Woodcock,

Hyperion Systems, LLC ("Hyperion") appreciates the chance to offer written comments to the Department of Energy Resources ("DOER") regarding the revised guidelines for the definition of Agricultural Solar Tariff Generation Units ("ASTGU").

Hyperion is a project development and research organization based in Amherst Massachusetts. Hyperion has been in business in the Commonwealth for the past decade investigating the dual-use concept. Hyperion has strong working relationships with many of the stakeholders within the agrivoltaic industry including agricultural producers, research institutions, other developers, among others. Our comments are guided by our personal experience and those of the overall industry. Hyperion has also signed onto the letters submitted by The Northeast Clean Energy Council ("NECEC") and by American Farmland Trust ("AFT").

Hyperion has been working on agrivoltaic project development with numerous farmers, landowners, and other developers in the Commonwealth. Based on our understanding of the revisions, if the current guidelines were to become law, most of the projects previously mentioned would effectively come to an end. The revisions within the guideline will deter exploration and innovation of agrivoltaics in the Commonwealth. Massachusetts has had the benefit of learning from the dual-use array installed in S. Deerfield over a decade ago, in 2010. Research has been conducted by the University of Massachusetts Amherst each year since then garnering data points. At the time of the installation it was a pioneering project, but since then other markets have surpassed Massachusetts early research efforts. If Massachusetts desires to remain a leader within the agrivoltaic market sector, providing consistency in the guidelines will be required.

By altering the programs guidelines so drastically, when a mere 11 MW of agrivoltaics have been approved, it discourages investors to support these types of projects when they're looking for security – this has been likened to changing the rules in the middle of the game. Hyperion has been operating under many agreeable requirements for the past few years in order to participate in the agricultural area of the SMART Program. Much of Hyperion's mission has been to provide greater benefit to our client farms by being able to offer stronger solar contracts that allow for continued farmland use. These changes will jeopardize farmer acceptance and potentially push them towards other landuse development that are permanent.

Narrowing the eligibility for dual use solar on land being brought into agricultural production inhibits the farm's potential for success. Particularly in light of Massachusetts' loss of over 450 farms between 2007 and 2017 as well as the loss of over 26,000 acres of farmland (USDA Census).

Hyperion has provided comments on the following specific aspects of the revised guidelines:

3) Additional Provisions for ASTGUs

"The ~~system design~~ parameters defined in ~~Section A~~ below will allow for the variety and flexibility of potential farming operations at ~~any given farm~~ throughout the life of the solar photovoltaic array. These parameters ~~are stated as minimums, giving~~ provide farms the flexibility to ~~determine~~ adjust agricultural activities over time due to a variety of reasons, including different crops and finalize farming operations. machinery requirements."

4) Eligible Farmland

ii. All land intended to be newly created farmland shall be deemed eligible farmland if it has been in active agricultural use and managed as a commercial enterprise by the farm applicant for not less than three consecutive years immediately prior to the date when an application is submitted to the SMART program.

These two statements directly opposed one another. The second statement is the far more troubling text. Many of the farmers we are exploring this concept with rotate their fields annually, changing the crops year over year on a cyclical basis. Prescribing growers to one crop for 20-30 years in their fields isn't best practice. Regenerative agriculture encourages crop rotation – as well as rotational animal grazing - to maintain soil health and balance. Furthermore, limiting farmers options will discourage them from participation in the program. Flexible farm planning is paramount for growers especially as market dynamics change rapidly and as the threat of climate change becomes more tangible. Hyperion recommends removing section 4) Eligible Farmland ii.

6) Annual Report

i. Waiver for Decreased Yield

Due to unforeseen circumstances, such as weather events, pests, or change in crops, the agricultural yield for any given year may be lower than stated in the agricultural plan or previous year's annual report. In these instances, an applicant can request a waiver by the Department in consultation with MDAR for the decreased yields. The applicant must demonstrate to the satisfaction of the Department that a waiver is warranted for good cause. Waiver requests must be submitted by November 1st of the applicable calendar year and sent to DOER.SMART@mass.gov.

By adding this section into the guidelines, developers, farmers, and landowners confidence in the program will be greatly diminished. Farming is inherently risky. Crop loss is regularly incurred because of unforeseen and uncontrollable conditions. By implementing this section of the guidelines, projects that are anticipating long-term revenues will be penalized

by conditions that are beyond their control. Hyperion recommends this section be removed from the guidelines.

Hyperion is appreciative of the opportunity to provide written comment. We encourage meeting in person or online to discuss these revisions to provide transparency and better understanding of the concerns. Thank you for your consideration.

Respectfully submitted by:

Jake Marley
Managing Director
Hyperion Systems, LLC