



COMMONWEALTH OF MASSACHUSETTS

Charles D. Baker, Governor

Karyn E. Polito, Lt. Governor

Kathleen Theoharides, Secretary

Patrick Woodcock, Commissioner

May 13, 2020

SMART Emergency Regulations Virtual Tutorial

Purpose

- The purpose of the meeting IS to:
 - Provide information to public on some aspects of the regulations.
 - Answer high level questions about the regulations.
- The purpose of the meeting IS NOT to:
 - Provide specific guidance on specific projects.
 - To discuss policy implications.
 - Accept public comments. These will be accepted next week, Friday May 22, 2020.

Timeline

- 4-14-20 Regulations filed 4-14-20
- 4-15-20 Regulations and key guidelines published (Publication Date)
 - Regulations go into effect immediately
 - Portal closed for new applications
- 5-13-20 Virtual public tutorial
- 5-18-20 Anticipated date for additional guidelines to be published
- 5-18-20 Anticipated date the application portal goes live
- 5-22-20 Virtual public hearing and public comment period deadline
 - Public comment for regulations and key guidelines
- 6-18-20 Anticipated date for public comment on additional guidelines
- 7-14-20 Regulations are promulgated

Definition- Important Farmland

Important Agricultural Farmlands. Means those soils found to be Important Farmlands pursuant to 7 C.F.R. § 657.5, that includes prime farmlands, unique farmlands, and additional land of statewide importance.

Definition- Low Income

Low Income Customer. An End-use Customer that is on a low-income discounted rate of a Distribution Company or a resident in a Low Income Eligible Area.

Low Income Eligible Area. A neighborhood, as identified through American Community Survey data, that has household income equal to or less than 65 percent of the statewide median income for Massachusetts.

Definition- Public Entity

Public Entity Solar Tariff Generation Unit. A Solar Tariff Generation Unit that is:

(a) Sited on property owned by a Municipality or Other Governmental Entity ~~that~~ and is either:

~~(a)~~ i owned or operated by a Municipality or Other Governmental Entity; or

~~(b)~~ ii the Owner has assigned 100% of its output to Municipalities or Other Governmental Entities; or

(b) Sited on privately owned property and is either:

(i) Owned or operated by the Municipality in which the Solar Tariff Generation Unit is sited; or

(ii) the Owner has assigned 100% of its output to the Municipality or Other Governmental Entities in the Municipality in which the Solar Tariff Generation Unit is sited.

Other Governmental Entity. A department or agency of the Commonwealth, and any other ~~state or local~~ entity that has been issued a public identification number by the DPU pursuant to 220 CMR 18.00: *Net Metering*.

Program Expansion

(1) Size of Program. The SMART Program shall support ~~1,600~~3,200 MW of new solar generating capacity.

(3) Block Allocation. The amount of capacity available in each Distribution Company's service territory will be proportional to the total electric load served to Massachusetts End-use Customers by the Distribution Company in calendar year 2016. The Department may update the amount of capacity available in proportion to total electric load served to End-use Customers by each Distribution Company based on updated electric load served data, as available. Each Distribution Company shall divide the capacity available in its service territory into ~~eight~~sixteen equally sized Capacity Blocks, provided, however, that if a Distribution Company served less than 5% of the total electric load collectively served to all Massachusetts End-use Customers by the Distribution Companies in calendar year 2016, it may elect to have less than ~~eight~~sixteen equally sized Capacity Blocks.

Set-aside Mid Size Projects

(c) Set-aside for Solar Tariff Generation Units Greater than 25kW and Less than or Equal to 500 kW. Each Capacity Block, starting with the first full capacity block after the Publication Date, shall have a minimum of 20% of its total available capacity reserved for Solar Tariff Generation Units with nameplate capacities greater than 25kW and less than or equal to 500 kW.

Set-aside Low Income

(d) Set-aside for Low Income Community Shared and Low Income Property Solar Tariff Generation Units. Each Capacity Block, starting with the first full capacity block after the Publication Date, shall have a minimum of 5% of its total available capacity reserved for Low Income Community Shared and Low Income Property Solar Tariff Generation Units.

Eversource Merger

(e) Special Provision for Eversource Energy Capacity Blocks. Beginning with the ninth Capacity Block, the service territories formerly designated as NSTAR Electric Company and Western Massachusetts Electric Company, shall be combined into a single service territory with a total available capacity equal to that amount previously available for the two separate Distribution Companies'. The total combined capacity available in this single service territory shall be divided into eight equally sized Capacity Blocks. The Base Compensation Rates established for the service territories formerly designated as NSTAR Electric Company and Western Massachusetts Electric Company shall remain separate and will continue to apply.

Land Use Applicability

1. Applicability of Land Use and Siting Criteria. Date of application for participation in the SMART Program and project status as of the Publication Date will determine which Land Use and Siting Criteria apply to a Solar Tariff Generation Unit.

a. Solar Tariff Generation Units that have received a Statement of Qualification as of the Publication Date shall be subject to the Land Use and Siting Criteria as outlined in 225 CMR 20.05(5)(e)2 through 6.

b. ~~4~~Effective after the Publication Date, all other Solar Tariff Generation Units must meet the Land Use and Siting Criteria established by 225 CMR 20.05(5)(e)7.

c. Exception to 20.05(5)(e)1(b). Solar Tariff Generation Units that meet the requirements of 225 CMR 20.06(1)(c) 2 and 225 CMR 20.06(1)(c)3 as of the Publication Date and submit an executed Interconnection Service Agreement as detailed in 20.06(1)(c)1 within 6 months of the Publication Date shall be subject to the Land Use and Siting Criteria as outlined in 225 CMR 20.05(5)(e)2 through 6.

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Category 1- Agriculture

a. Category 1 Agricultural: Solar Tariff Generation Units located on Land in Agricultural Use or Prime Important Agricultural Farmland that meet one or more of the following criteria will be designated as Category 1:

- i. Agricultural Solar Tariff Generation Units;
- ii. Building Mounted Solar Tariff Generation Units;
- iii. Floating Solar Tariff Generation Units;
- iv. Canopy Solar Tariff Generation Units;
- v. Solar Tariff Generation Units sized to meet no greater than 200% of annual operation load of an agricultural facility.

b. Category 1 Non-Agricultural: Solar Tariff Generation Units not located on Land in Agricultural Use or Prime Important Agricultural Farmland that meet one or more of the following criteria will be designated as Category 1:

- i. Ground-mounted Solar Tariff Generation Units with a capacity less than or equal to 500 kW;
- ii. Building Mounted Solar Tariff Generation Units;
- iii. Solar Tariff Generation Units sited on Brownfields;
- iv. Solar Tariff Generation Units sited on Eligible Landfills;
- v. Floating Solar Tariff Generation Units;
- vi. Canopy Solar Tariff Generation Units;

Land Use

7. Land Use and Siting Criteria Effective after the Publication Date. A Solar Tariff Generation Unit must meet the performance standards and will be placed into one of three categories with respect to the land or property on which it is sited as enumerated in 225 CMR 20.05(5)(e) 1 through 6, except as noted herein.

a. Category 1 Non-Agricultural. Solar Tariff Generation Units not located on Land in Agricultural Use or Important Agricultural Farmland that are a Public Entity Solar Tariff Generation Unit will be designated as Category 1 Non-Agricultural as in 20.05(5)(e)2b.

b. Category 2 Land Use. Solar Tariff Generation Units not otherwise designated Category 1 that are ground-mounted with a capacity greater than 500 kW and less than or equal to 5,000 kW that are sited within a solar overlay district or that comply with established local zoning that explicitly addresses solar or power generation, shall be designated as Category 2 Land Use as in 20.05(5)(e)3.

c. Ineligible Land Use. Solar photovoltaic Generation Units that meet or one or more of the following criteria shall not be eligible to qualify as Solar Tariff Generation Units under 225 CMR 20.00:

1. One or more of the criteria established in 225 CMR 20.05(5)(e)5; or
2. Solar Tariff Generation Units sited on land designated as Priority Habitat, Core Habitat or Critical Natural Landscape, that do not meet the criteria of Category 1 Land Use.
3. Solar Tariff Generation Units sited on a parcel with 50% or more of its area designated as Priority Habitat, Core Habitat and/or Critical Natural Landscape, that do not meet the criteria of Category 1 Land Use.

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2. Solar Tariff Generation Units sited on land designated as Priority Habitat, Core Habitat or Critical Natural Landscape, that do not meet the criteria of Category 1 Land Use.
3. Solar Tariff Generation Units sited on a parcel with 50% or more of its area designated as Priority Habitat, Core Habitat and/or Critical Natural Landscape, that do not meet the criteria of Category 1 Land Use.

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c. Ineligible Land Use. Solar photovoltaic Generation Units that meet or one or more of the following criteria shall not be eligible to qualify as Solar Tariff Generation Units under 225 CMR 20.00:

1. One or more of the criteria established in 225 CMR 20.05(5)(e)5; or
2. Solar Tariff Generation Units sited on land designated as Priority Habitat, Core Habitat or Critical Natural Landscape, that do not meet the criteria of Category 1 Land Use.
3. Solar Tariff Generation Units sited on a parcel with 50% or more of its area designated as Priority Habitat, Core Habitat and/or Critical Natural Landscape, that do not meet the criteria of Category 1 Land Use.

Land Use- Grandfather exception

7. Land Use and Siting Criteria Effective after the Publication Date. A Solar Tariff Generation Unit must meet the performance standards and will be placed into one of three categories with respect to the land or property on which it is sited as enumerated in 225 CMR 20.05(5)(e) 1 through 6, except as noted herein.

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b. Category 2 Land Use. Solar Tariff Generation Units not otherwise designated Category 1 that are ground-mounted with a capacity greater than 500 kW and less than or equal to 5,000 kW that are sited within a solar overlay district or that comply with established local zoning that explicitly addresses solar or power generation, shall be designated as Category 2 Land Use as in 20.05(5)(e)3.

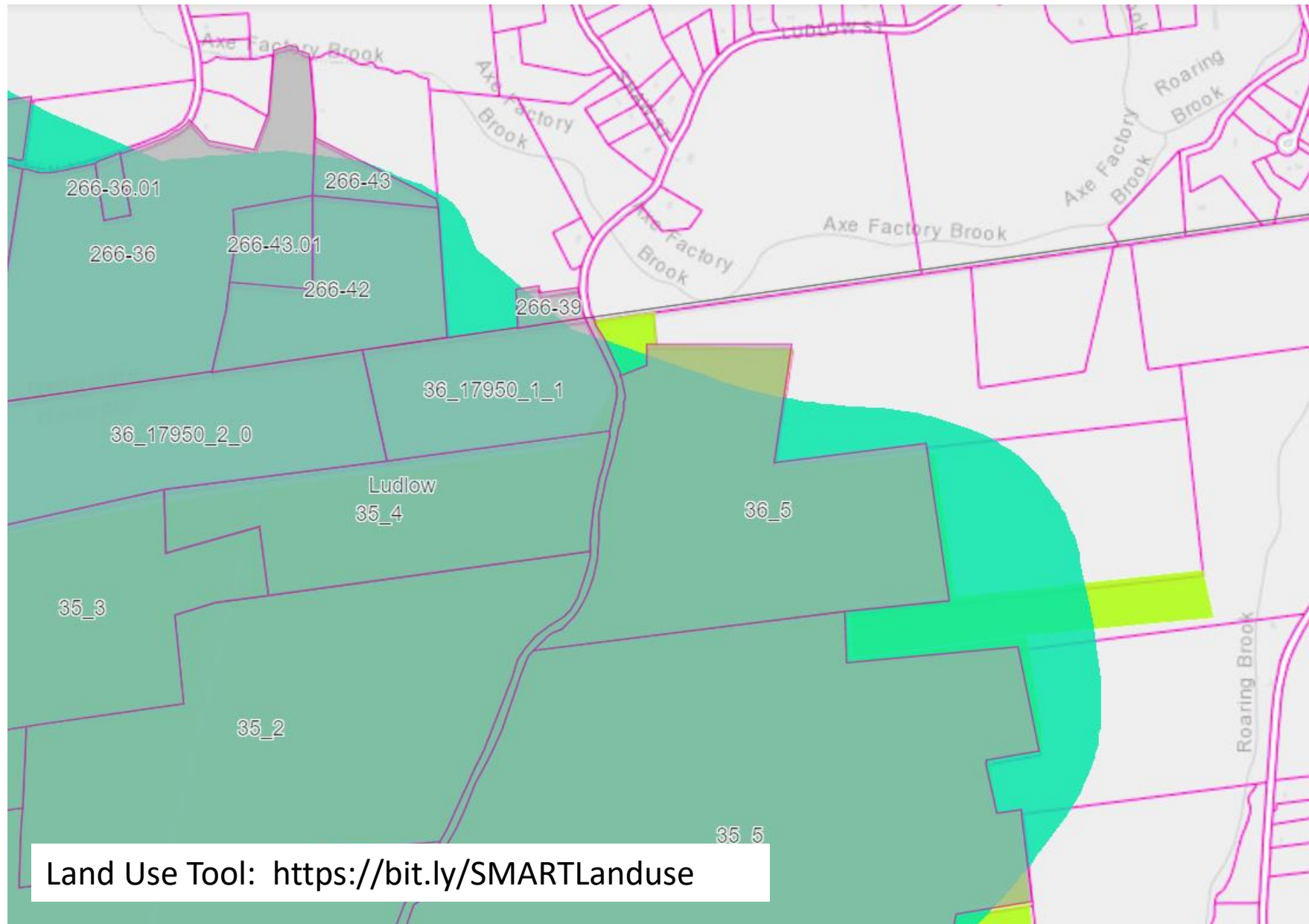
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1. One or more of the criteria established in 225 CMR 20.05(5)(e)5; or

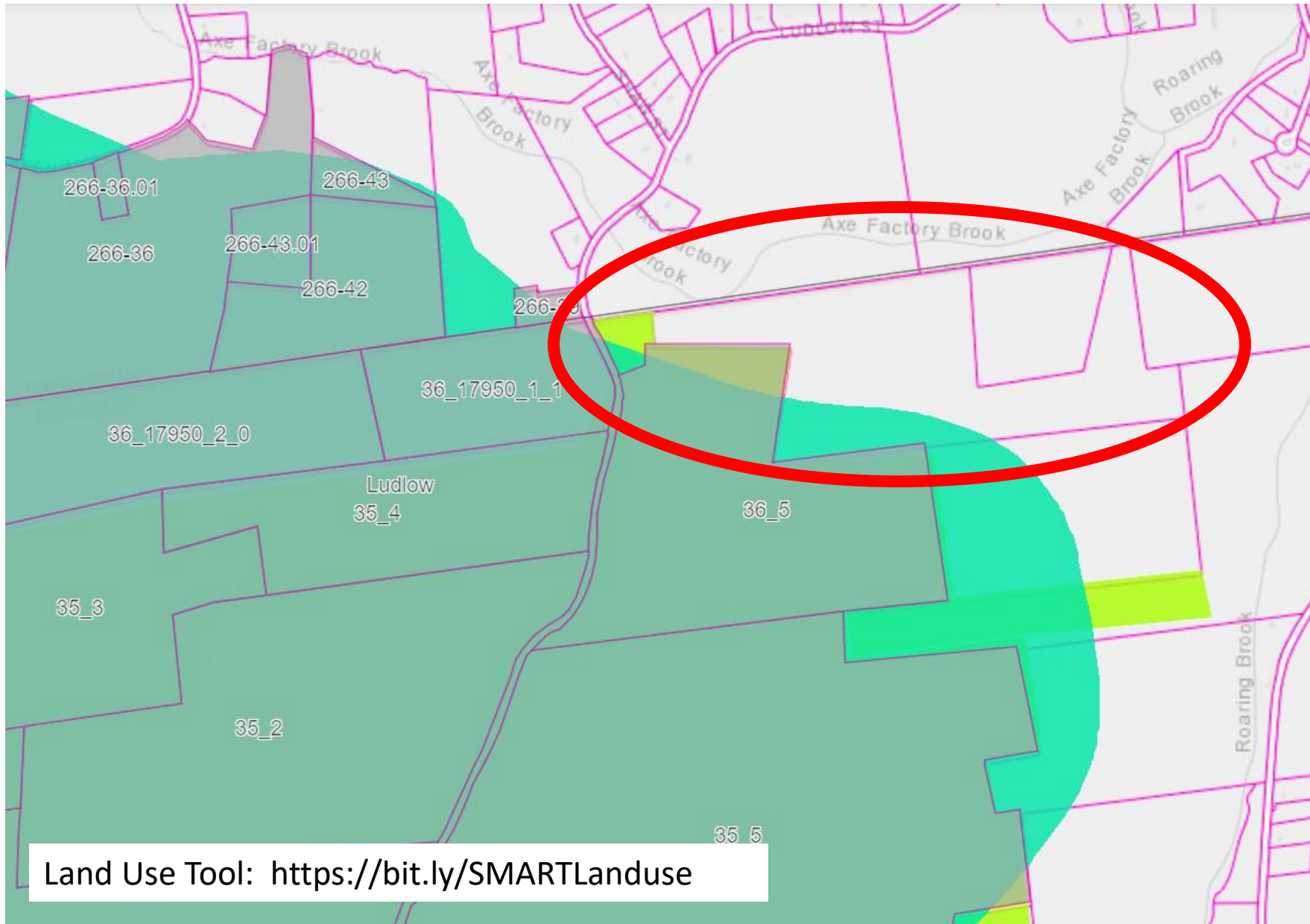
2. Solar Tariff Generation Units sited on land designated as Priority Habitat, Core Habitat or Critical Natural Landscape, that do not meet the criteria of Category 1 Land Use.

3. Solar Tariff Generation Units sited on a parcel with 50% or more of its area designated as Priority Habitat, Core Habitat and/or Critical Natural Landscape, that do not meet the criteria of Category 1 Land Use.

Land Use- Tool

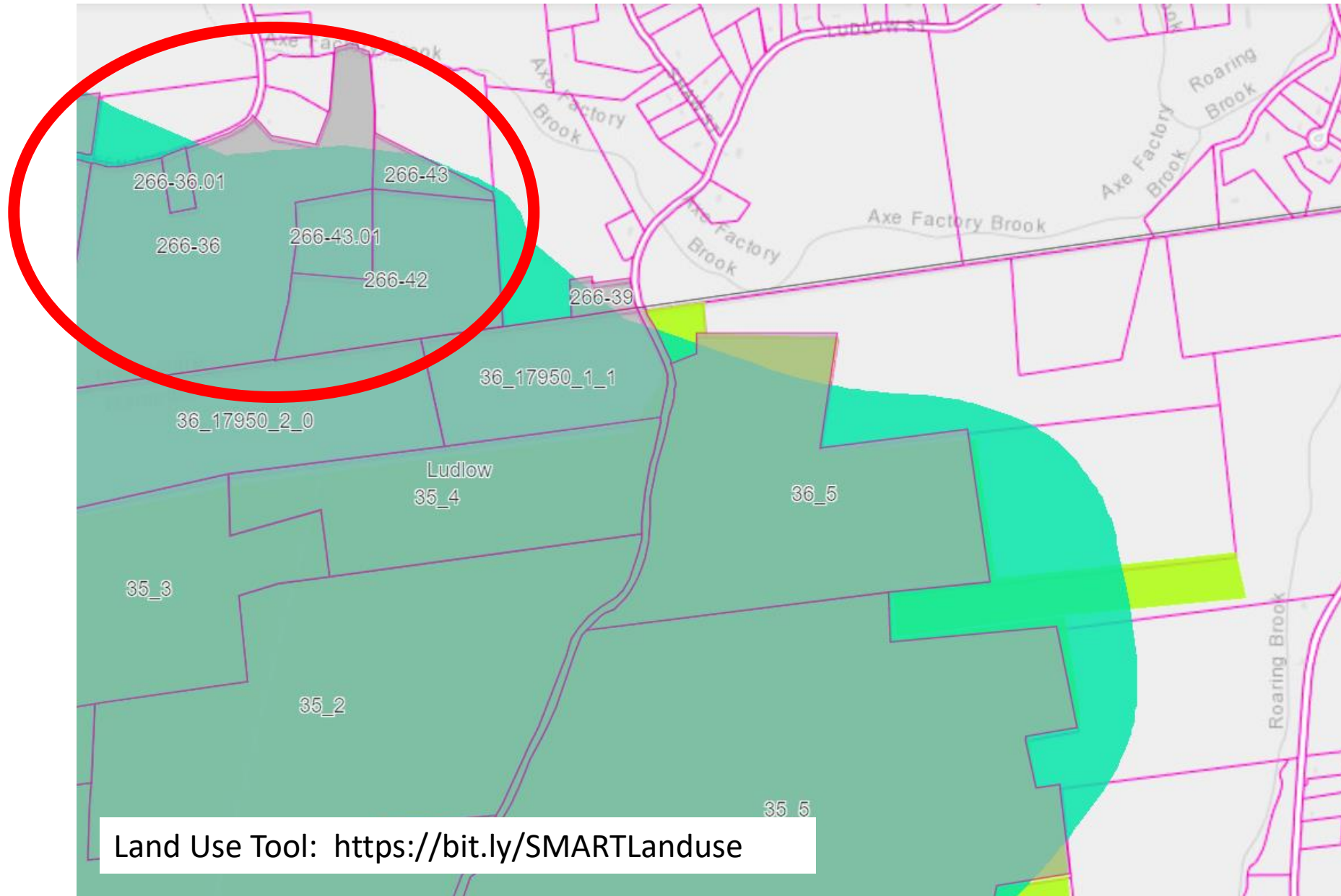


Land Use- Tool



Land Use Tool: <https://bit.ly/SMARTLanduse>

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Energy Storage

(k) Energy Storage Requirement. Solar Tariff Generation Units greater than 500 kW applying for a Statement of Qualification for any available capacity in any capacity block available after the Publication Date must be co-located with an Energy Storage System that meets the eligibility requirements for an Energy Storage Adder pursuant to 225 CMR 20.06(1)(e).

1. Exceptions to Energy Storage Requirement. A Solar Tariff Generation Unit shall be exempt from the requirement to be co-located with an Energy Storage System, as prescribed in 225 CMR 20.05(5)(k), if it can demonstrate to the Department's satisfaction that:

- a. documentation required to meet the criteria set forth in 225 CMR 20.06(1)(c) was obtained on or before the Publication Date; or
- b. it should be granted an exception to the provisions of 225 CMR 20.05(5)(k) for good cause.

LICSS (and CSS)

1. No more than two participants may receive bill credits in excess of those produced annually by 25 kW of nameplate capacity, and the combined share of said participants' capacity shall not exceed 50% of the total capacity of the Generation Unit, except in the case of Generation Units smaller than 100 kW.

2. The Owner or Authorized Agent of a prospective Low Income Community Shared Solar Tariff Generation Unit must submit a copy of a customer disclosure form signed by each Customer of Record receiving electricity or bill credits generated by the Low Income Community Shared Solar Tariff Generation Unit as part of its Statement of Qualification Application, with the exception of those participants receiving bill credits in excess of those produced annually by 25 kW of nameplate capacity. The customer disclosure form

3. The Solar Tariff Generation Unit must demonstrate that no individual or distinct legal entity will receive bill credits or electricity in an amount that exceeds the applicable limitations noted in 20.06(1)(f)1, even if the credits are allocated across multiple utility accounts.

4. Electricity or bill credits may be allocated through a municipal load aggregation program established pursuant to M.G.L. c. 164, § 134, or through a low income community shared solar program established and administered by a Distribution Company.

LICSS and CSS

§3. A Solar Tariff Generation Unit seeking a Community Shared Solar adder or Low Income Community Shared Solar adder must allocate at least 90% of bill credits or electricity by the Incentive Payment Effective Date.

i. Failure to do so will result in the Solar Tariff Generation Unit going to the last position of the application queue for the applicable service territory as established pursuant to the *Statement of Qualification Reservation Period Guideline*.

ii. Within sixty days following the Publication Date, a previously qualified Community Shared Solar Tariff Generation Unit may elect to remove their application for the adder and retain its queue position. Any capacity that is made available during this sixty day time period shall be reallocated to the remaining qualified Community Shared Solar Tariff Generation Units, and tranches reassigned as necessary according to the available capacity established pursuant to the *Guideline on Capacity Blocks, Base Compensation Rates, and Compensation Rate Adders*.

Low Income- Net Savings

(k) Special Provision for Serving Low Income Customers. After the Publication Date, a Solar Tariff Generation Unit that services eligible Low Income Customers must demonstrate to the Department's satisfaction that any such customers shall receive a net savings by enrolling in the solar contract, as detailed in the Department's *Guideline Regarding Community Shared Solar and Low Income Community Shared Solar Generation Units*.

Public Entity- Application

(l) Special Provisions for Public Entity Solar Tariff Generation Units. A Public Entity Solar Tariff Generation Unit may apply for a Statement of Qualification pursuant to 225 CMR 20.06 (1)(c) by providing satisfactory evidence to the Department that a Municipality or Other Governmental Entity has awarded a contract to develop a Solar Tariff Generation Unit.

Consumer Protection

(m) Auditing of Customer Disclosure Forms. The Department shall conduct periodic audits of the customer disclosure forms submitted subject to the requirements of 225 CMR 20.06(1)(b)3. 225 CMR 20.06(1)(f) and 225 CMR 20.06(1)(h) pursuant to the *Guideline on SMART Consumer Protection*. If the Department audit identifies material defects in the information provided, including, but not limited to, discrepancies between the information provided on the customer disclosure form and the customer contract, or if the audit finds the application does not meet the criteria for a Low Income Solar Tariff Generation Unit or a Low Income Community Shared Solar Generation Unit, the applicant shall be issued a warning by the Department. If a single applicant is issued three warnings by the Department, the Department shall notify the applicant that, effective upon date of issuance of the third warning, that applicant may not submit any further Statement of Qualification Applications for a period of 12 months.

LICSS- Customer Disclosure

(n) Customer Disclosure Form Exception. Prospective Solar Tariff Generation Units seeking to qualify as a Low Income Community Shared Solar Tariff Generation Unit or Community Shared Solar Tariff Generation Unit may be exempt from the customer disclosure form requirements in 225 CMR 20.06(1)(f) and 20.06(1)(h) if the applicant can demonstrate to the Department's satisfaction that the Customers of Record are enrolled without a customer contract.

Compensation Decline

(2) Schedule of Base Compensation Rates and Compensation Rate Adders.

Following the first Capacity Block, all Base Compensation Rates will decline by 4% per Capacity Block, with Base Compensation Rates in each Capacity Block being established at exactly 4% less than the Base Compensation Rate in the previous Capacity Block. ~~Each~~ After the Publication Date, Base Compensation Rates in each Capacity Block will decline by 2% per Capacity Block for Behind-the-Meter Solar Tariff Generation Units. The Department shall establish in a Guideline the specific Capacity Block in each Distribution Company service territory in which the Behind-the-Meter Solar Tariff Generation Unit Base Compensation Rates shall decline by 2%. With the exception of Location Based Adders, Compensation Rate ~~Adder~~Adders will decline by 4% for every tranche of capacity established by the Department. The first tranche of capacity available to

Pollinator Adder

(e) Pollinator Adder. A Solar Tariff Generation Unit that obtains and maintains at least a silver certification from the University of Massachusetts Clean Energy Extension Pollinator-Friendly Certification Program, or other equivalent certification as determined by the Department, shall be eligible to receive an additional \$0.0025/kWh Compensation Rate Adder.

Greenfield Subtractor

1. Category 2 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 2 Land Use, as prescribed in 225 CMR 20.05(5)(e)~~2.~~3. or that meets the exception established in 20.05(5)(e)1.c., shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.0005/kWh per acre of land that the Solar Tariff Generation Unit occupies.

3. Category 3 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 3 Land Use, as prescribed in 225 CMR 20.05(5)(e)4., or that meets the exception established in 20.05(5)(e)1.c., shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.001/kWh per acre of land that the Solar Tariff Generation Unit occupies.

Greenfield Subtractor

2. Post Publication Date Category ~~3~~₂ Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category ~~3~~₂ Land Use, as prescribed in 225 CMR 20.05(5)(e)~~3~~₂, and 20.05(5)(e)7.b, after the Publication Date shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.00125/kWh per acre of land that the Solar Tariff Generation Unit occupies.

4. Post Publication Date Category 3 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 3 Land Use, as prescribed in 225 CMR 20.05(5)(e)4 after the Publication Date shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.0025/kWh per acre of land that the Solar Tariff Generation Unit occupies.

Greenfield Subtractor

5. Exceptions to Greenfield Subtractors. A Solar Tariff Generation Unit that- is classified as Category 2 Land Use or Category 3 Land Use, as prescribed in 225 CMR 20.05(5)(e)~~23.~~ or ~~3., 4., or 225 CMR 20.05(5)(e)7~~ shall not have its Base Compensation Rate reduced by a Greenfield Subtractor, as prescribed in 225 CMR 20.07(4)(~~fg~~), if it can ~~be demonstrated~~ demonstrate to the Department's satisfaction that:

- a. documentation required to meet the criteria set forth in 225 CMR 20.06(1)(c) was obtained prior to June 5, 2017; or
- b. it should be granted an exception to the provisions of 225 CMR 20.07(4)(~~fg~~) for good cause.

BTM Incentive Calculation

(2) Calculation of Incentive Payments for Behind-the-Meter Solar Tariff Generation Unit. Payments provided to the Owner of a Behind-the-Meter Solar Tariff Generation Unit by a Distribution Company for RPS Class I Renewable Generation Attributes and Environmental Attributes will be fixed at the point in time that a Solar Tariff Generation Unit receives its Statement of Qualification for the duration that the Solar Tariff Generation Unit is eligible under 225 CMR 20.00 and shall be equal to the total Solar Tariff Generation Unit's Base Compensation Rate plus any Compensation Rate Adders minus any Greenfield Subtractor, multiplied by the total kWh generated by the Solar Tariff Generation Unit in the utility billing period, minus the sum of the Owner's current distribution kWh charge, current transmission kWh charge, current transition kWh charge, and the average of the basic service kWh charge in the prior three calendar years, ~~as of the Generation Unit's Commercial Operation Date.~~

$$\begin{aligned} &\textit{Behind the Meter Solar Tariff Generation Unit Compensation Rate} \\ &= (\textit{Capacity Based Rate} + \textit{Compensation Rate Adders} \\ &\quad - \textit{Greenfield Subtractor}) - (\textit{distribution kWh charge} \\ &\quad + \textit{transmission kWh charge} + \textit{transition kWh charge} \\ &\quad + \textit{three year average of basic service kWh charge}) \\ &\quad - (\textit{distribution kWh charge} + \textit{transmission kWh charge} \\ &\quad + \textit{transition kWh charge} \\ &\quad + \textit{three year average of basic service kWh charge}) \end{aligned}$$

BTM Incentive Calculation

(3) Calculation of Incentive Payments for Behind-the-Meter Solar Tariff Generation Unit. Payments provided to the Owner of a Behind-the-Meter Solar Tariff Generation Unit served by a SMART Tariff by a Distribution Company for RPS Class I Renewable Generation Attributes and Environmental Attributes will be fixed at the point in time that a Solar Tariff Generation Unit receives its Statement of Qualification for the duration that the Solar Tariff Generation Unit is eligible under 225 CMR 20.00 and shall be equal to the kWh generated by the Solar Tariff Generation Unit in the utility billing period multiplied by the Behind the Meter Solar Tariff Generation Unit Compensation Rate. The Behind the Meter Solar Tariff Generation Unit Compensation Rate shall be the sum total of the Solar Tariff Generation Unit's Base Compensation Rate plus any Compensation Rate Adders minus any Greenfield Subtractor, minus sixty five percent (0.65) of the sum total of the average of the basic service kWh charge in the three prior calendar years, current distribution kWh charge, current transmission kWh charge, and current transition kWh charge, plus thirty five percent (0.35) of the average of the basic service kWh charge in the prior three calendar years, as of the date of the Solar Tariff Generation Unit's preliminary Statement of Qualification.

$$\begin{aligned} & \textit{Behind the Meter Solar Tariff Generation Unit Compensation Rate} \\ &= (\textit{Capacity Based Rate} + \textit{Compensation Rate Adders} \\ &\quad - \textit{Greenfield Subtractor}) \\ &\quad - [0.65(\textit{three year average of basic service kWh charge} \\ &\quad + \textit{distribution kWh charge} + \textit{transmission kWh charge} \\ &\quad + \textit{transition kWh charge}) \\ &\quad + 0.35(\textit{three year average of basic service kWh charge})] \end{aligned}$$

Questions

