

November 30, 2017

By Electronic Mail (climate.strategies@state.ma.us)

Commissioner Martin Suuberg
Department of Environmental Protection
1 Winter Street
Boston, MA 02108

**Subj: Comments re: Proposed Changes to 310 CMR 7.75 Clean Energy Standard
Relating to Municipal Utilities and Existing Clean Generators**

Dear Commissioner Suuberg,

Please accept the following comments by Conservation Law Foundation (“CLF”) regarding the Department of Environmental Protection’s (“DEP’s”) proposed revisions to 310 CMR 7.75 as noticed by DEP on October 3, 2017.¹ Responding to issues 2 (*Options for Expanding the CES: The “CES-E”*) and 3 (*Options for Expanding the CES: Municipal Utilities*) raised therein,² CLF’s comments explained in detail herein can be summarized as follows:

Regarding Municipal Utilities

- DEP should revise the 310 CMR 7.75 Clean Energy Standard (“CES”) to require compliance by municipal utilities (“Munis”),³ without exception, as Retail Energy Sellers subject to the CES.
- DEP should allow Munis to settle for purposes of CES compliance any clean energy attributes they own as the result of an existing ownership interest in, or long-term contracts with, generation that otherwise would qualify as Clean Generation in the absence of the vintage requirement in 310 CMR 7.75(7)(a)(2).
- DEP should require that Munis may only claim clean or renewable energy (or related emissions profile) for which they own the associated clean or renewable attribute.
- DEP should require Munis to comply with the existing 310 CMR 7.75(4)(a) Table A schedule of required clean energy sales no later than 2035.

¹ DEP, *310 CMR 7.75: Clean Energy Standard Review of Options for Expanding the CES Stakeholder Discussion Document* (Oct. 3, 2017) (“CES Discussion Document”).

² *See id.* at 2-5 (regarding the CES-E), 5-7 (regarding municipal utilities).

³ The term “Munis” herein includes all municipal utilities in the Commonwealth including Municipal Electric Departments (“MEDs”), Municipal Light Boards (“MLBs”), and Municipal Light Plants (“MLPs”), *see id.* at p.1 (defining “municipal utilities” for purposes of this public stakeholder discussion).

Regarding Existing Clean Generators

- DEP should not implement its proposed CES-E. DEP should instead revise the CES to include a requirement that DEP continue to study how to best account for existing clean generation, initiate a public process to consider appropriate approaches and that it finalize a rulemaking or other mechanism to do so in 2019 (effective for Jan. 1, 2020).
- Simultaneously, DEP should pursue in conjunction with DOER and other relevant agencies of the Commonwealth a regional, market-based mechanism like the dynamic Forward Clean Energy Market developed through the NEPOOL IMAPP process and currently being vetted with the states and ISO-NE (likely together with an expanded CES modified to account for such a market) which would provide a longer term solution and could achieve the stated goal for the CES-E more cost-effectively and with greater emissions reductions.

A. DEP SHOULD REQUIRE MUNIS TO COMPLY WITH THE CLEAN ENERGY STANDARD.

DEP can and should require Munis to participate in the CES. DEP’s assessment of the law – that it presently has the statutory authority, pursuant to the GWSA and other laws, to regulate Muni greenhouse gas (“GHG”) emissions and to include Munis in the CES⁴ – is correct.

1. The CES Should Be Revised to Include Munis as Retail Energy Sellers subject to the CES.

The CES should be revised to include Munis as Retail Energy Sellers subject to the CES in essentially the same manner – and for the same reasons – that DEP originally proposed in its Dec. 16, 2016 draft of 310 CMR 7.75 (“Section 7.75”). Munis provide – through self-generation, long-term contract, spot market purchases, or otherwise – almost 15% of the electricity consumed in the Commonwealth.⁵ In doing so, they are directly responsible for the release of millions of tons of GHGs each year into the atmosphere, emissions included in the inventory of “statewide greenhouse gas emissions” required by the GWSA, and which are subject to the GWSA’s mandatory and enforceable emissions

⁴ EEA/DEP, *Response to Comment on: 310 CMR 7.74 Reducing CO2 Emissions from Electricity Generating Facilities [&] 310 CMR 7.75 Clean Energy Standard* (August 2017) (“*Response to Comment*”), 18-20 (GWSA expressly includes Munis and gives EEA and DEP the authority, without exception, to regulate Munis for purposes of setting emissions levels and limits on the electric power sector).

⁵ MAPC, *Municipal Light Plants in Massachusetts: Spotlight on Clean Energy Initiatives* (July 2016), 2 (Munis provided at least 13% of the state’s electricity in 2014).

reduction limits.⁶ Indeed, the Commonwealth has already determined – correctly – that the state cannot meet its long-term GWSA emissions reduction requirements unless emissions associated with the sale of electricity by Munis are regulated and reduced.⁷ As a result, the CES must be revised to include Munis as Retail Energy Sellers subject to the CES, at least as of Jan. 1, 2020.

2. The CES Should Be Revised to Allow Munis to Settle for Purposes of CES Compliance Certain Clean Energy Attributes They Own.

Because Munis are allowed to own generation assets and also frequently enter into substantial long-term contracts for electricity supply, many have existing ownership interests in, or long-term contracts with, generation assets that otherwise would qualify as Clean Generation except for the vintage requirement in 310 CMR 7.75(7)(a)(2). Of particular relevance here are the minority ownership interests of some thirty Munis in the both the Seabrook Station and Millstone Unit 3 nuclear facilities,⁸ and the ownership interests of certain Munis in, or existing long-term power purchase agreements with, existing non-RPS hydropower facilities.

In order to fairly accommodate Munis into the CES, then, DEP should modify the CES to account for such existing ownership interests or long-term contracts in a manner parallel to that proposed by DEP for including in the CES the attributes of energy procured pursuant to the Energy Diversity Act of 2016 (Chapter 169 of the Acts of 2008, Section 83D).⁹ That is, DEP should revise the CES as necessary (likely by modifying the

⁶ G.L. c. 21N, §§ 1 (“statewide greenhouse gas emissions” include without exception “all emissions of greenhouse gases from the generation of electricity delivered to and consumed in the commonwealth, accounting for transmission and distribution line losses, whether the electricity is generated in the commonwealth or imported” (emphasis added)) and 3 (requiring declining annual emissions limits, including expressly: “[e]missions levels and limits associated with the electric sector”).

⁷ See, e.g., DEP, *Background Document On Proposed New And Amended Regulations 310 CMR 7.00 [&] 310 CMR 60.00* (Dec. 16, 2016), 27 (“In 2050, consistent with the GWSA requirement to address all electricity emissions, MLPs will be required to deliver the same percentage of clean energy as all other retail sellers.”); *Response to Comment* at 19 (“Given the central role of the electric sector in achieving the required GWSA GHG emissions reductions of 25% and at least 80% by 2020 and 2050, respectively, it would be inconsistent with the goals of the entire GWSA scheme to exempt parts of the electric sector from regulations that require reductions in GHG emissions from that sector.”).

⁸ Twenty eight MMWEC participants (Ashburnham, Boylston, Braintree, Danvers, Georgetown, Groton, Hingham, Holden, Holyoke, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Middleborough, Middleton, North Attleborough, Paxton, Peabody, Reading, Shrewsbury, South Hadley, Sterling, Templeton, Wakefield, West Boylston and Westfield) collectively own 11.59% of the Seabrook facility and (except for Braintree) a 4.8% ownership interest in Millstone Unit 3; Taunton Municipal Lighting Plant (0.1%) and the Hudson Light & Power Department (0.08%) also have an ownership interest in the Seabrook facility.

⁹ EEA/DEP, *Draft Amendments to 310 CMR 7.75(2) and (6)* (Nov. 3, 2017); see also, CLF, *Comments re: Options for Expanding the CES: The 2016 Energy Diversity Act* (Oct. 30, 2017) (recommending a similar approach).

Section 7.75(2) definition of “Clean Generation Attribute” as well as Section 7.75(6)(b)(3)) to allow Munis to settle for purposes of CES compliance any clean energy attributes they own as the result of – and only for the duration of – an existing ownership interest in, or long-term contracts with, generation that otherwise would qualify as Clean Generation except for the vintage requirement in 310 CMR 7.75(7)(a)(2).

Doing so would consistently and fairly allow Munis who own clean energy attributes as the result of their unique, pre-existing ownership/long-term contracting abilities among Retail Energy Sellers to participate in the CES and help achieve the emissions reduction goals of the CES without undue cost or burden.

3. DEP Must Ensure Munis Stop “Double-Counting” Power from Clean Generation They Own, But Whose Environmental Attributes They Do Not Retain.

In response to DEP’s December 2016 proposal to include Munis in the CES, at least fourteen Munis argued that they should be given permission to continue “double counting” energy from generation they control, but whose environmental attributes they profitably sell and thus no longer own.¹⁰

Regardless of how Munis are made subject to the CES, DEP must ensure that this practice – one that the federal law considers “deceptive” – ceases and, going forward, is strictly prohibited. Double counting of environmental attributes directly undermines the Commonwealth’s long-standing and (otherwise) successful Renewable Portfolio Standard program. It directly depresses demand for new renewable generation, by doubling apparent, but not actual, supply.

The practice is widely considered to be active deception that is prohibited under

¹⁰ In their submitted public comments, several Munis appear to admit that they currently double-count: claiming for themselves significant percentages of “clean” energy (that is, “Sales from Non-Emitting” or “zero-carbon” generation sources), see John P. Coyle, *Comments on Behalf of Belmont Municipal Light Department, Braintree Electric Light Department, Concord Municipal Light Plant, Georgetown Municipal Light Department, Groveland Electric Light Department, Hingham Municipal Lighting Plant, Hudson Light And Power Department, Littleton Electric Light & Water Department, Middleborough Gas & Electric Department, Middleton Electric Light Department, Norwood Light & Broadband Department, Rowley Municipal Lighting Plant, Wellesley Municipal Light Plant, and Westfield Gas & Electric Department* (Feb. 24, 2016) (“*Muni Comments*”), at 9-12, while also stating that they sell “renewable energy credits . . . [in order] to moderate the contract prices for acquiring entitlements in [the same] zero-carbon resources,” *id.* at 14; *accord, e.g.*, Braintree Electric Light Department, *2014 Annual Report*, at 2 (claiming “our non-greenhouse gas emitting energy portfolio is up to 28% of our total power supply” without specifying whether RECs from included solar and wind generation are retained or sold). Remarkably, these same Munis argue that they should be allowed to continue doing so after being included in the CES. *Muni Comments*, at 17.

federal and state law.¹¹ Accordingly, DEP must expressly ensure that Massachusetts Munis are no longer allowed to do so.

4. In the Absence of Evidence Indicating Specific Need Otherwise, DEP Should Require Munis to Fully Comply with the CES No Later Than 2035.

While some twenty-four Munis have to date actively opposed their inclusion in the CES,¹² a majority of towns served by Munis (twenty-six of fifty) have publicly indicated no such opposition.¹³ And although opposing Munis claim they need special consideration due to various ownership interests and long-term power purchase agreements, they have to-date provided no credible evidence publicly supporting their related assertion that they cannot efficiently and cost-effectively comply in 2020 (the first year DEP has proposed to require their active compliance) with the existing 310 CMR 7.75(4)(a) Table A schedule of required clean energy sales (20% of all retail sales with clean generation attributes). Indeed, they have instead submitted evidence that indicates many Munis could meet or exceed existing CES compliance levels today.¹⁴

¹¹ 16 C.F.R. § 260.15 (“Renewable energy claims.”); *id.* at § 260.15(a) (“It is deceptive to misrepresent, directly or by implication . . . that a service uses renewable energy.”); *id.* at § 260.15(d) (“If a marketer generates renewable electricity but sells renewable energy certificates for all of that electricity, it would be deceptive for the marketer to represent, directly or by implication, that it uses renewable energy. . . . Example 5: A toy manufacturer places solar panels on the roof of its plant to generate power, and advertises that its plant is ‘100% solar-powered.’ The manufacturer, however, sells renewable energy certificates based on the renewable attributes of all the power it generates. Even if the manufacturer uses the electricity generated by the solar panels, it has, by selling renewable energy certificates, transferred the right to characterize that electricity as renewable. The manufacturer’s claim is therefore deceptive. It also would be deceptive for this manufacturer to advertise that it “hosts” a renewable power facility because reasonable consumers likely interpret this claim to mean that the manufacturer uses renewable energy. It would not be deceptive, however, for the manufacturer to advertise, ‘We generate renewable energy, but sell all of it to others.’”); *accord, e.g.*, State of Vermont Office of the Attorney General, *Guidance for Third-Party Solar Projects* (available at: <http://www.ago.vermont.gov/assets/files/PressReleases/Consumer/Guidance%20on%20Solar%20Marketing.pdf>) (instructing that it is deceptive to state *or imply* an asset as “renewable,” “clean,” or “green” if the RECs from that asset are sold).

¹² See *Muni Comments*; joint filed comments (Feb. 24, 2016) of Danvers Electric Division, Middleborough Gas and Electric Department, Norwood Municipal Light Department, Reading Municipal Light Department, Taunton Municipal Lighting Plant, West Boylston Municipal Light Plant; and individual filed comments (Feb. 24, 2016) of Princeton Municipal Light Department, Shrewsbury Electric & Cable Operations, and Sterling Municipal Light Department Board of Commissioners.

¹³ Five Munis and the Massachusetts Municipal Wholesale Electric Company filed comments indicating no opposition to the inclusion of Munis in the CES. See filed comments (Feb. 24, 2016) of Groton Electric Light Department, Holden Municipal Light Department, Mansfield Municipal Electric Department, Templeton Municipal Light and Water Plant. No public comments regarding this issue have been filed to date by the remaining 21 Muni-served towns.

¹⁴ See *Muni Comments*, at 10 (indicating at least seven Munis in 2013 had energy sale portfolios that, in the absence of double-counting violations, would already exceed CES compliance levels for 2018, the first year of required program compliance).

To the extent, however, that the ability of certain Munis to comply with the existing CES compliance schedule for all other Retail Energy Sellers is limited by existing long-term contract commitments, and specific evidence of such limitations is produced, CLF does not oppose DEP’s development of one or more Muni-specific CES compliance schedules based on such evidence. Based on our knowledge of industry practice regarding long-term energy supply contracts, and given the urgent need to reduce GHG emissions in the electricity sector in order to ensure state compliance with the GWSA, DEP should ensure that any such Muni-specific compliance schedule(s) require and result in all Munis meeting the existing 310 CMR 7.75(4)(a) Table A schedule of required clean energy sales by 2035 (i.e., 50% of all retail sales with clean generation attributes).¹⁵

B. RATHER THAN PURSUING THE PROPOSED CES-E, DEP SHOULD WORK TO INCORPORATE EXISTING CLEAN GENERATORS INTO ITS GWSA STRATEGY USING A REGIONAL MARKET.

In its CES Discussion Document, DEP poses two related questions: “*Is the CES-E approach described [herein] an appropriate approach for supporting existing clean generators?*” and “*Are there other viable approaches?*” In short, the answers to those questions are: No, it is not; and yes, there are. As a result, CLF strongly recommends that DEP not implement or further pursue its sketch proposal for a CES-E, and instead, revise the CES to mandate a final rulemaking or other mechanism no later than December 31, 2019 (effective Jan. 1, 2020) that will incorporate and account for existing clean generators using the regional wholesale electricity markets.

1. The Proposed CES-E Is Problematic and Should Not Be Implemented.

CLF applauds DEP’s appropriate attention to, and concern regarding, the quantitative implications of the Commonwealth’s GHG Inventory regarding retention of services provided by existing clean generators.¹⁶ However, the backward-looking, inventory driven mechanism DEP has begun to propose – the “CES-E” – is both incomplete and potentially fatally flawed.

Importantly, it is not at all clear how DEP would calculate the annual existing

¹⁵ Because the term of PPAs and other long-term energy supply agreements are typically no more than 20-years, the vast majority of such agreements in place today likely will have expired by the end of 2034, some 17 years from now.

¹⁶ See CES Discussion Document at 4 (identifying approximately 35% of Massachusetts’ energy supply portfolio as “clean” based on GHG Inventory accounting of emissions associated with energy generated or consumed in-state).

clean energy certificate (“CEC-E”) purchase requirement it is considering imposing on Retail Energy Sellers, and do so by type of generator (presumably only nuclear and non-RPS hydropower) and region (presumably only NH (Seabrook), NY and Canada) based on historical averages while also allowing and accounting for generator retirements, whether at their anticipated end of service-life, or before. And by mandating such a backward-looking “historical average” approach, DEP would risk subsidizing existing clean generation that is less efficient and more costly than newer clean energy that could deliver the same environmental attribute and outcome – the provision of low- or zero-carbon electricity – more cheaply using new (e.g., more proximate off-shore wind with fewer transmission line losses) or improved (e.g., for hydropower) technology.

Also, the “after 1990” commercial operation date proposed as a qualifying criteria for would-be CES-E generators is arbitrary in the context of the proposed need and very likely counter-productive. To the extent Massachusetts received electricity in 1990 from existing clean generators, the low or zero emissions associated with that power is included in the Commonwealth’s GHG Inventory baseline. As a result, a loss of those resources – which would effectively raise our baseline and require new offsetting electricity to be secured – would be as detrimental to the state’s GWSA compliance efforts as would be the loss of a similar asset whose electricity has contributed to emissions reductions since 1990. But in the absence of data regarding the identity and age (other than Seabrook Station) of existing clean generators DEP considers “in” our supply portfolio since 1990, the size of that potential risk – or the post-1990 one DEP appears more focused on – cannot be assessed.

Finally, the narrow “inventory focus” of the proposed CES-E idea is inaccurate, or at least unhelpful, for making policy regarding what amounts to state support of specific generating assets. For example, although for purposes of GHG Inventory accounting it can be said that Massachusetts receives no power from Millstone Unit 3, that is not in fact the case. Some twenty-seven Massachusetts Munis do receive power from that facility as a result of their minority (4.8%) ownership in it,¹⁷ something the GHG Inventory will have to be adjusted to account for (to the extent it does not already do so) as a result of extending CES compliance obligations to Munis. Thus, as proposed, the CES-E would appear to subsidize, without sufficient justification, one existing source of zero-carbon electricity (Seabrook Station) at the expense of another (Millstone Unit 3) without regard for their current profitability¹⁸ or individual ability (due to expected

¹⁷ See *supra* note 8.

¹⁸ The Millstone and Seabrook facilities are among the most profitable – if not the top two most profitable – nuclear facilities in the United States. See Geoffrey Haratyk, *Early Nuclear Retirements in Deregulated U.S. Markets: Causes, Implications and Policy Options* (MIT CEEPR Mar. 2017), 6 (listing Millstone and Seabrook respectively as the most profitable and second most profitable nuclear power facilities in the U.S.).

federal license expiration)¹⁹ to contribute to the GWSA’s 2050 emission reduction mandate. The same is true regarding existing hydropower facilities in New England and neighboring areas (NY, Ontario, Quebec, and New Brunswick) which began operating before 1990 and, with facility service lives upwards of 100 years, could be reasonably expected to continue operating through and beyond 2050.

2. A Regional Market Approach Would More Effectively and Efficiently Provide a Long Term Solution for Incorporating Existing Clean Generators Into DEP’s GWSA Emissions Reduction Strategy.

The necessary, or at least very likely, flaws inherent in the proposed CES-E concept can be avoided, and the goals for the program implemented more efficiently and cost-effectively, by using a regional market mechanism. Such an approach would be designed to unbundle and deliver via a competitive mechanism both the electricity and the desired environmental attributes that all clean generators – existing and new alike – can offer, and to do so at least cost. And it would be consistent with, and materially advance, the important GHG accounting goals DEP is pursuing by delivering to Massachusetts clean energy credits, and the exclusive ownership rights associated with them, for all clean generation that is delivered to and consumed in the Commonwealth for the next thirty three years and beyond.

Such proposals were advanced by CLF and others in the New England Power Pool’s (“NEPOOL”) recent Integrating Markets and Public Policy (“IMAPP”) effort. One proposal, the Dynamic Forward Clean Energy (“DFCEM”) market, *see Exhibit A*, continues to gain followers as it is vetted among states, ISO-NE and other stakeholders. The DFCEM would allow Massachusetts, together with other states in the region, to procure clean and renewable electricity (measured in delivered megawatt-hours) annually via a central market administered by ISO-NE in the amounts required to meet its GWSA emissions reductions goals. And by using such a market mechanism, the Commonwealth: would gain the ability to procure such resources at least cost, while retaining or retiring existing resources and attracting new ones; would gain, and enjoy the economic benefit of, increased visibility of competitive prices by placing all emissions-reducing resources on equal footing; and would be able to share emissions compliance costs with other states fairly and in proportion to each state’s climate and energy laws and regulations.

Key elements and benefits of the DFCEM mechanism include the following:

¹⁹ Seabrook Station’s licensed to operate expires on March 15, 2030; Millstone Unit 3’s license expires on November 25, 2045. *See U.S. NRC, Operating Nuclear Power Reactors (by Location or Name) (available at: <https://www.nrc.gov/info-finder/reactors>).*

- Auction would procure the clean energy attribute only (not bundled with energy);
- Purchases via this market would fulfill majority of the Commonwealth's clean energy needs, but possibly less than 100% (as needed to accommodate other policy initiatives);
- Mechanism would enable competition among all clean energy resources to yield least cost portfolio to meet the Commonwealth' GWSA mandate;
- Would price clean energy attributes and reward clean energy generators based on their ability (in time and location) to displace existing GHG emitting resources.
- Forward auction could procure two (or more) differentiated clean energy products based on cost:
 - "Base" product for all existing and new clean and renewable energy resources, and
 - "Targeted" product for certain preferred clean or renewable energy resources;
- Would provide a 1-year price lock for existing resources and a longer term price lock for new resources (comparable to ISO-NE's current Forward Capacity Auction, but longer to help ensure financability of new projects) in order to ensure efficient and sufficient price support for clean energy generators.
- States (likely via their electric distribution utilities and other load-serving entities) would submit demand bids that specify the quantity needed, and the price they are willing to pay; proposed auction mechanism could also use an advanced and efficient sloping demand curve;
- Would work seamlessly with existing ISO-NE energy and ancillary service markets ensuring Massachusetts clean energy purchases are fully incorporated into ISO-NE markets (removing risk of capacity overpayment).

Initial quantitative modeling by the Brattle Group indicates that the DFCEM would allow Massachusetts to procure the clean energy it requires for GWSA compliance at a savings of over \$200 million *annually* while achieving emissions reductions of up to 350,000 tons

more than under current procurement practices.²⁰ And because the DFCEM would deliver required clean energy attributes annually and with clear record of ownership (comparable to RECs today), it would achieve those cost and emissions reduction benefits while facilitating direct accounting in the GHG Inventory of all clean energy purchased for the Commonwealth.

Because of flaws inherent in (or likely to occur with) the proposed CES-E, and because a mechanism a regional market solution like the DFCEM: (a) should more efficiently and cost-effectively achieve the end-state DEP would seek to achieve via the CES-E, and (b) is already actively under consideration by NEPOOL and regulators across New England, CLF recommends that:

- DEP should not implement its proposed CES-E, and instead
- DEP should revise the CES to include a requirement that it continue to study how to best account for existing clean generation, initiate a public process to consider appropriate approaches and that it finalize a rulemaking or other mechanism to do so in 2019 (effective for Jan. 1, 2020);
- Simultaneously, DEP should pursue, in conjunction with other relevant agencies of the Commonwealth, a regional, market-based mechanism like the DFCEM to be implemented and run by ISO-NE in conjunction with the states and NEPOOL.

Sincerely,

CONSERVATION LAW FOUNDATION

By its Senior Attorney



David Ismay

Enclosure (Exhibit A: Brattle Group (Presentation), *A Dynamic Clean Energy Market in New England* (Nov. 2017))

²⁰ See Ex. A at 17 (assuming Massachusetts shares in modeled regional savings in rough proportion to its share of regional load).

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEPARTMENT REVIEW UNDER 310 CMR § 7.75(10) OF
OPTIONS FOR INCLUDING ANNUAL STANDARDS FOR
MUNICIPAL ELECTRIC DEPARTMENTS AND MUNICIPAL LIGHT PLANTS IN THE
CLEAN ENERGY STANDARD

COMMENTS ON BEHALF OF

BRAINTREE ELECTRIC LIGHT DEPARTMENT, GEORGETOWN
MUNICIPAL LIGHT DEPARTMENT, GROVELAND ELECTRIC LIGHT
DEPARTMENT, HUDSON LIGHT AND POWER DEPARTMENT,
LITTLETON ELECTRIC LIGHT & WATER DEPARTMENT,
MIDDLEBOROUGH GAS & ELECTRIC DEPARTMENT, MIDDLETON
ELECTRIC LIGHT DEPARTMENT, NORWOOD LIGHT & BROADBAND
DEPARTMENT, ROWLEY MUNICIPAL LIGHTING PLANT, WELLESLEY
MUNICIPAL LIGHT PLANT, AND WESTFIELD GAS & ELECTRIC
DEPARTMENT

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Submitted: November 30, 2017.

On August 11, 2017, the Department of Environmental Protection (“DEP”) promulgated its Clean Energy Standard (“CES”) regulations under Section 3(c) of the 2008 Global Warming Solutions Act, G.L. c. 21N § 3(c) (“GWSA”), codified at 310 CMR § 7.75. These comments are submitted in connection with the DEP’s review, under 310 CMR § 7.75(10), to “examine options for including annual standards for MEDs and MLBs in the clean energy standard.” These Comments are submitted on behalf of eleven municipal light plants: Braintree Electric Light Department, Georgetown Municipal Light Department, Groveland Electric Light Department, Hudson Light and Power Department, Littleton Electric Light & Water Department, Middleborough Gas & Electric Department, Middleton Electric Light Department, Norwood Light & Broadband Department, Rowley Municipal Lighting Plant, Wellesley Municipal Light Plant, and Westfield Gas & Electric Department (collectively, the “Municipal Systems”). The names of, and contact information for, the managers of each of the Municipal Systems are set forth in the Appendix following our February 24, 2017 comments on the proposed Clean Energy Standard, which are resubmitted with these Comments.

The “Stakeholder Document” circulated by DEP, and DEP’s October 2017 Stakeholder Discussion PowerPoint presentation both continue to propose the imposition of a fixed percentage, year-by-year quota on the Commonwealth’s municipal electric utilities for the procurement and sale of energy produced by “non-emitting” generation resources. As we explained in our February 24, 2017 comments on DEP’s original clean energy standard proposal, the mode of regulation proposed by DEP with respect to municipal light plant (“MLP”) energy supply decisions is fundamentally inconsistent with the local autonomy long established by the Legislature with respect to municipal light plants. The mode of regulation discussed in the Stakeholder Document and Stakeholder Discussion presentation remains outside of the authority granted to DEP by the

Legislature in the GWSA, and directly conflicts with the Legislature’s established design for MLP governance and operations. The DEP’s proposals in the Stakeholder Document and Stakeholder Presentation are also unsound policy. They would impose incremental energy supply costs having a conservatively forecasted net present value of over \$600 million on the eleven MLPs submitting these comments. This financial burden, as well as the energy supply limitations that the proposed CES regulations would impose, would effectively impede MLPs from making contributions that they are uniquely situated to make, and are currently making, in the Commonwealth’s transition to a low-carbon future by forcing them to divert the resources required for those purposes to compliance with the proposed CES regulations. These contributions include, for example, deploying utility scale energy storage, or constructing the kind of fast-start/fast-ramp generation required to manage the intermittency of wind, solar and other renewable sources of energy. Moreover, there is no indication of any need to impose the proposed CES regulations on MLPs, whose supply portfolios generally contain more non-carbon emitting energy supply than the renewable supply requirements embodied in the proposed CES regulations demand.¹

Accordingly, those portions of the DEP’s “options” that seek to impose a supply quota for energy generated by non-carbon emitting resources on MLP energy sales are in excess of DEP’s mandate and should be withdrawn. At best, those portions of the DEP’s proposed CES “options” that seek to regulate municipal light plant energy sales represent unsound policy. In reality, the proposed CES regulations attempt to impose a repeal by implication of the comprehensive scheme of local regulation of MLPs established in G.L. c. 164 and carried forward in G.L. c. 25A. As the DEP’s current “review” appears to seek imposition of essentially the same Clean Energy Standard opposed in our February 24, 2017 Comments, we are re-submitting those Comments here. To the

¹ Massachusetts DEP, *GHG Reporting Program Summary Report for Retail Sellers of Electricity Emissions Year 2013* (June 2016) Table 5.

extent that, in this review, DEP's position concerning regulating municipal light plant energy procurement decisions remains what it was prior to the August 11, 2017 promulgation of the current CES regulations, the Municipal Systems' position remains what it was in our February 24, 2017 Comments.

In the interest both of advancing our dialogue with the DEP and attaining the objectives of the Global Warming Standards Act, Municipal Systems respectfully suggest that the approach proposed in the DEP's Stakeholder Document and Stakeholder Presentation is counterproductive and misconceived. A more productive way forward would recognize and accommodate the local control and local autonomy vested by the Legislature in municipal light plants under G.L. c. 164 §§ 34-69 and other statutes. Municipal Systems' ratepayers have made substantial financial commitments to power supply resources on a long-term basis, and those commitments are not susceptible to being cast aside in favor of "top-down" quotas that have the effect, if not the intent, of subverting the local autonomy on which they depend for safe, reliable, economical and clean electricity. One pathway to such accommodation could be a requirement for periodic reporting by municipal light plants concerning their current and planned future reductions in consumption of energy produced by carbon-emitting generation. Such reporting could be keyed to intervals of sufficient length (triennial or quadrennial) to allow appropriate flexibility in adjusting existing power supply portfolios to decreasing levels of carbon emissions without causing economic disruption. Such an approach could also incorporate the greenhouse gas mitigation attributable to strategies other than portfolio adjustment – *e.g.*, storage, promotion of electric vehicle penetration, efficiency programs, and other measures, that are in fact being undertaken already by some municipal light plants in Massachusetts – that make economic sense from the perspective of the community served by a particular municipal light plant.

We acknowledge that such a collaborative program would require more diligence, effort and creativity than the simple imposition of “top-down” quotas. On the other hand, such a program could be designed to be consistent with current law which embodies the Commonwealth’s strong tradition of deference to local governance in connection with municipal light plant matters.

Respectfully submitted,

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Dated: November 30, 2017.

November 30, 2017

Ms. Sharon Weber
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One Winter Street 7th Floor
Boston, MA 02108

Re: Eversource Comments on Amending the CES: The “CES-E” and Municipal Utilities

Dear Ms. Weber:

Eversource Energy Service Company, on behalf of NSTAR Electric Company d/b/a Eversource Energy (“NSTAR Electric”) and Western Massachusetts Electric Company d/b/a Eversource Energy (“WMECO”) (collectively “Eversource” or the “Company”), submits this comment letter to the Massachusetts Department of Environmental Protection (“MassDEP”) in response to the request for comments from stakeholders on the MassDEP’s proposed amendment to the Clean Energy Standard (“CES”) regulations, 310 C.M.R. § 7.75, promulgated August 11, 2017. Eversource operates New England’s largest utility system serving more than 3.6 million electric and natural gas customers in Connecticut, Massachusetts and New Hampshire. In order to meet its obligations to provide vital public services, Eversource ensures system reliability and safety standards are maintained in compliance with national, regional, and industry standards and policies.

Eversource values clean energy as an important part of the energy mix in New England, while ensuring costs to ratepayers remain reasonable and fair. The Company is committed to serving as a clean energy catalyst and leader in the region, pursuing Company-owned solar, storage and electric vehicle infrastructure.

Option for Expanding the CES: The “CES-E”

Eversource supports regulations that will be successful in reducing greenhouse gas emissions in a meaningful way at the lowest cost for Massachusetts customers. Additionally, Eversource recognizes that existing non- and low- emitting resources have contributed to the electric sector already achieving double the carbon reduction called for by 2020 in the GWSA¹. However, the CES-E program as proposed by MassDEP in the Stakeholder Discussion Document² represents a carve-out to the CES for existing resources and Eversource discourages MassDEP to take this approach. While Eversource agrees that allowing existing non- and low-emitting resources to qualify for the CES is important to maintaining the electric sectors compliance with GWSA, we encourage MassDEP to allow all non- and low-emitting

¹ *Statewide Greenhouse Gas Emissions Level: 1990 Baseline and 2020 Business as Usual Projection*, Massachusetts Department of Environmental Protection, July 2009.

¹ *GWSA Regulations – Emitting Electricity Generators Stakeholder Meeting*, Massachusetts Department of Environmental Protection, November 2016.

² *Review of Options for Expanding the CES: Stakeholder Discussion Document*, Massachusetts Department of Environmental Protection, October 2017.

resources to qualify for the CES instead of carving out a particular slice of CES annual compliance rate for these resources. Adding an additional carve-out would likely result in additional retail costs to Massachusetts customers.

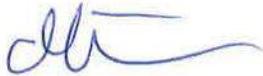
Options for Expanding the CES: Municipal Utilities

Eversource strongly agrees with MassDEP that municipal utilities should be included in the CES. Clean energy goals benefit all Massachusetts residents, and the costs incurred to achieve those goals should be borne equally by electric customers, regardless of whether they are served by an investor owned utility or a municipal electric company. Given the importance of these goals and the significant costs and efforts needed to achieve them, no entity should be exempt from compliance with MassDEP's regulations.

Eversource thanks the MassDEP for its careful consideration of these comments and the Company's recommendation and looks forward to continuing to work with MassDEP and other stakeholders to develop competitive, cost-effective solutions for meeting the Commonwealth's important energy and environmental goals. Eversource stands ready to assist with any aspect of the development and deployment of the CES amendments.

Should you have any comments or questions, please contact Katherine Wilson, 781-441-3789.

Sincerely,



Jeffery S. Waltman

Manager, Planning and Power Supply

MEMORANDUM

TO: Massachusetts Department of Environmental Protection

FROM: Danvers Electric Division
Middleborough Gas and Electric Department
Norwood Municipal Light Department
Reading Municipal Light Department
West Boylston Municipal Light Plant

DATE: November 30, 2017

RE: Applicability or Proposed Clean Energy Standard (“CES”) to Municipal Light Plants

The Danvers Electric Division, Middleborough Gas and Electric Department, Norwood Municipal Light Department, Reading Municipal Light Department, and the West Boylston Municipal Light Plant¹ join in and support the comments submitted by the Taunton Municipal Lighting Plant (“TMLP”) through its counsel, Rubin and Rudman, LLP.

¹ The West Boylston Municipal Light Plant also has submitted separate comments.

Fw: Comments Regarding 310 CMR 7.75, DEP Proposal on Clean Energy Standards

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/30/2017 4:16 PM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)

Sent: Thursday, November 30, 2017 2:06 PM

To: Garfinkle, Jordan (DEP)

Subject: FW: Comments Regarding 310 CMR 7.75, DEP Proposal on Clean Energy Standards

From: Oriana Reilly

Sent: Thursday, November 30, 2017 2:06:29 PM (UTC-05:00) Eastern Time (US & Canada)

To: Strategies, Climate (DEP); Kirby, Christine (DEP)

Cc: Carol Oldham MCAN

Subject: Comments Regarding 310 CMR 7.75, DEP Proposal on Clean Energy Standards

To the Department of Environmental Protection

Regarding including Municipal Light Plants in the proposed Clean Energy Standard (CES) 310 C.M.R. 7.75

The undersigned local light plant community leaders have become aware of the public process recently initiated by the Department of Environmental Protection (DEP) concerning the inclusion of municipal light plants in the proposed Clean Energy Standard (CES) 310 C.M.R. 7.75 to bring the state into compliance with the Global Warming Solutions Act of 2008.

We feel strongly that our commonwealth as a whole must lead the way on climate change and clean energy. Our state laws and state goals are structured to provide that leadership. Therefore, we believe that municipal light plants should be included in the clean energy standard and should be leaders on clean energy issue in Massachusetts.

We are customers of the Municipal Light Plants in Belmont, Braintree, Concord, Georgetown, Hingham, Holyoke, Hudson, Hull, Ipswich, Littleton, Marblehead, Middleton, Shrewsbury, South Hadley, Taunton, Wakefield, Wellesley, West Boylston, and Westfield and we have requested that our MLP boards and our MLP managers engage constructively in the Clean Energy Standard Process. We do not believe that Belmont, Braintree, Concord, Georgetown, Hingham, Holyoke, Hudson, Hull, Ipswich, Littleton, Marblehead, Middleton, Shrewsbury, South Hadley, Taunton, Wakefield, Wellesley, West Boylston, and Westfield Municipal Light Plants should be exempt from the proposed Clean Energy Standard.

We appreciate the concern regarding the importance of maintaining the historical independence of the municipal light plants, but we believe that our MLPs can reach an agreement with the DEP that will allow for this continued independence while ensuring participation in the essential state-wide effort to make the transition to clean sources of renewable energy. We request that the DEP final rule include all the light plants.

In fact, our concerns are that the options laid out in the stakeholder discussion document allow the transition to clean energy to be too slow, and the amount of clean energy that the MLPs are using to remain too low. We feel that the circulated options document from the DEP allows MLPs to keep using polluting energy and to slow their transition, while what we need to be doing in our communities is to move as fast as possible to truly clean energy.

We are looking for our communities to lead on clean energy in the Commonwealth and hope that our light plant managers and our light plant boards will continue to participate in a dialogue with Belmont, Braintree, Concord, Georgetown, Hingham, Holyoke, Hudson, Hull, Ipswich, Littleton, Marblehead, Middleton, Shrewsbury, South Hadley, Taunton, Wakefield, Wellesley, West Boylston, and Westfield residents on setting new and ambitious goals for increasing investments in sources of Class 1 renewable energy.

Nothing less than the future of the planet depends on the actions we take today.

Respectfully yours,

Local Light Plant Community Leaders,

Carol Oldham, Massachusetts Climate Action Network

Oriana Reilly, Massachusetts Climate Action Network

Joel Wook, Clean Water Action

Marty Bitner, Belmont

Nelson Hartunian, Belmont

Roger Wrubel, Belmont, Town Meeting Member

Mark Davis, Belmont

Mark Robbins, Belmont

Jacob Knowles, Belmont

Martin Plass, Belmont

Michael Cavanaugh, Braintree

Louise Quigley, Braintree

Wallace Johnston, Concord

Patti Batchelder, Georgetown

Michael Mullaey, Hingham

William B. Ashley, Holyoke

Max Horn, Hull

Thomas Green, Hudson

Joy Gurrie, Ipswich

Maria Wilkens, Ipswich

Renato M. Nakagomi, Littleton

Ann Grace, Littleton

Sarah Rambacher, Littleton
Lynn Nadeau, Marblehead, Healthlink, Inc.

John Livermore, Sustainable Marblehead

Diane Sheahan, Middleton
Jennie Nylander Fishman, Shrewsbury
John Howard, South Hadley
James Dufresne, Taunton
Jennifer Kallay, Wakefield

Jasmine Vogtli, Wakefield

Thomas Boettcher, Wakefield

Jennifer Boettcher, Wakefield
Regina LaRocque, MD MPH, Wellesley
Stephen Scalese, West Boylston

Mary Ann Babinski, Westfield

ORIANA REILLY

Local Clean Energy Organizing Fellow
412-735-2436



/MassClimateAction
@MassClimate



November 30, 2017

Commissioner Martin Suuberg
Department of Environmental Protection
One Winter Street
Boston, MA 02108

--- Submitted via electronic mail to climate.strategies@state.ma.us

RE: Options for Expanding the CES (310 CMR 7.75): Municipal Utilities

Dear Commissioner Suuberg:

Mass Energy appreciates the opportunity to further weigh in on options for expanding the Clean Energy Standard (CES) (310 CMR 7.75) to Municipal Utilities.

Ours is a nonprofit consumer and environmental advocacy organization whose mission since 1982 has been to make energy affordable and environmentally sustainable. Mass Energy is also dedicated to helping the Commonwealth reach the GHG emission reductions mandated by the Global Warming Solutions Act (GWSA) and advocates for clean energy solutions capable of achieving compliance economically and equitably. We commend the Baker Administration and the Department of Environmental Protection for the work undertaken to date on this and other regulations aimed at complying with GWSA and the goals set forth in EO 569.

Mass Energy supports a Clean Energy Standards as a means of curbing electric sector emissions and strongly urges the Department to require MLP compliance. As indicated in comments submitted in February 2017, we support extending CES compliance to municipal electric utilities which comprise approximately 13% of the state's electricity load. It was unfortunate that this was excluded from the final regulation, but we are pleased to see the Department revisiting the issue at this time. We noted then, and reiterate now, that GWSA compliance in the electric sector cannot be achieved *equitably* without cooperation and participation of the MLPs currently providing all or part of the electric service for 50 municipalities in the Commonwealth.

Mass Energy supports a phase-in schedule for MLPs, allowing them to gradually displace fossil fuel resources with clean resources, but that schedule should be based on what is required to achieve sufficient GHG emission reductions. It is, indeed, fair to allow MLPs to gradually phase into compliance with a CES, but the standard should be set based on what is required to achieve sufficient GHG emission reductions and not based on MLPs current exemption from RPS compliance. Mass Energy encourages the Department to set CES compliance at a rate that is higher than that detailed on page 6 of the CES Stakeholder Discussion Document. We discourage establishing a CES for MLPs that subtracts the RPS through 2050 and note that some municipal electric utilities are already working to decarbonize their supply. [Hingham](#) and Concord are doing so quite ambitiously. Although others may not be moving as rapidly, CES compliance should enable faster alignment between MLPs and other regulated distribution companies, well before 2050.

In closing, we thank the Department for welcoming this additional feedback and look forward to working together and with other stakeholders to ensure Massachusetts leads by example on clean energy and climate while fulfilling its obligations under the GWSA.

For questions regarding these comments, please contact Eugenia Gibbons, eugenia@massenergy.org or 617-524-3950 x 141.

Sincerely,



Eugenia T. Gibbons

RE: Comments - MassDEP Clean Energy Standard (310 CMR 7.75)

The Municipal Electric Association of Massachusetts ("MEAM") submits these comments pursuant to the request for public comment of the Massachusetts Department of Environmental Protection ("MassDEP") regarding the proposed Clean Energy Standard ("CES") 310 CMR 7.75. MEAM is a statewide association composed of all 40 municipal light plants in the Commonwealth of Massachusetts. MEAM submits these comments without waiving any of its appellate rights regarding any proposed MassDEP regulation(s) applicable to Municipal Light Plants (MLPs).

As previously indicated in public hearing, MEAM and its constituent municipal lighting plants are actively considering an alternative MLP Clean Energy Standard consistent with the goals of the CES. Such plan, if adopted, would require participation by all MLPs, but would not be mandated by regulation, as MEAM's position is that MassDEP has no statutory authority to mandate MLPs compliance with a CES regulation. However, MEAM would look forward to continue working with Mass DEP to accomplish this goal.

The primary elements of the proposal to meet an MLP CES obligation would include, in the calculation of clean energy, existing CES-E's such as nuclear power and hydroelectricity. These long term contracts have been entered into years ago and paid for by MLP customers and the MLPs should be credited for this clean energy generation.

existing renewable projects (whether or not RECs related to such projects retained by the MLP) should be included in any calculation of clean energy. MLPs have never been subject to the RPS, there was no need to retain such projects to meet the RPS requirements. Note that if those renewable projects did not exist in the territories there would have been fewer RECs on the market to allow others to meet their respective RPS requirements.

Recognition of the differences in the MLP business model and that of investor-owned utilities. Incremental annual increases in clean energy make no sense, as many MLPs may be of a larger magnitude that would be more than an incremental increase. It is suggested to attain the goals of the CES. Also, MLPs have long term investments that should be factored into a long term energy portfolio management plan.

A MLP CES standard should include a broader spectrum of target years to meet the long term goal.

Comments below are February 24, 2017 comments previously filed by MEAM regarding the lack of statutory authority to promulgate CES regulations applicable to MLPs.

Court Dep't, 448 Mass. 57, 64–65 (2006), citing, *Beeler v. Downey*, 387 Mass. 609, 616 (1982); *First Nat'l Bank v. Judge Baker Guidance Ctr.*, 13 Mass. App. Ct. 144, 153 (1982).

If the Legislature had intended MLPs to be included in all the provisions of c.21 N, there would have been no need to specifically refer to MLPs in §2(a)(5). Because a statute may not be construed in a manner that renders any of its provisions as superfluous, G.L.c. 21N cannot be read as if the reference is to MLPs in §2(a)(5) has no meaning or did not exist. *Souza v. Registrar of Motor Vehicles*, 462 Mass. 227, 233 (2012); *Thurdin v. SE/Boston, LLC*, 452 Mass. 436, 444 (2008).

Also, there is nothing to suggest that authority to impose or mandate a CES regulation on MLPs should be implied. If fact, no such implication may arise in the face of such clear indications of the Legislature's intention to withhold such authority. *Life Insurance Association of Massachusetts v. Commissioner of Insurance*, 403 Mass. 410, 418 (1988). G.L.c. 21N must be interpreted as enacted. *Harris v. Town of Wayland*, 16 Mass. App. Ct. 583, 585 (1983). It is the role of the Legislature to designate when the regulation of MLPs is appropriate to accomplish the goal underlying the Global Warming Solutions Act ("GWSA"). MassDEP may not usurp that role. Rather, MassDEP must interpret c. 21N as the Legislature wrote it. *Id.*; *Providence and Worcester Railroad Co. v. EFSB*, 453 Mass. 135, 144 (2009) (agency's belief that it would be desirable to have a particular power did not justify the agency in claiming power the Legislature did not grant); *Souza*, 462 Mass. at 232-233 (policy preference of an

See Telles v. Comm'r. of Insurance, 410 Mass. 560, 562-63 (1991).

b. G.L.c.25A, §11F shows MLPs are exempt from the CES regulation.

Statutes on the same subject matter must be construed harmoniously so as to give rise to a consistent body of law. *Adoption of Marlene*, 443 Mass. 494, 500 (2005). The GWSA addresses the reduction of GHG emissions in the Commonwealth. This is the same subject addressed by the Green Communities Act, which includes and expands the Renewable Portfolio Standard (“RPS”).

MLPs are expressly exempt from compliance with the RPS. G.L. c. 25A, §11F(i). In order to be construed harmoniously with G.L. c. 25A, §11F(i), G.L. c. 21N must be construed so as to exempt MLPs from a CES regulation. *Adoption of Marlene, id.*

The fact that G. L. c. 21N contains no provision expressly forbidding MassDEP from imposing the CES regulation on MLPs cannot substitute for the Legislature's clear intention to withhold such authority. The object of all statutory construction is to ascertain the true intent of the Legislature from the words used. *Simmons* 448 Mass. at 64–65. Words will not be added to a specific statute that the Legislature did not put there, either by inadvertent omission or by design. *Id.*

When read in its entirety, reasonably, and in the context of related statutes, G.L.c. 21N reflects the Legislature's intent to withhold from MassDEP authority to impose the CES regulation on MLPs. Therefore, the lack of a specific prohibition against MassDEP's

applicable to investor-owned regulated utilities. *E.g.* G.L. c. 164, §§57, 58 (MLPs exempt from the requirement of procuring DPU approval of their rates and power purchase contracts); G.L. c. 164, §47A (MLPs exempt from competitive choice of generation supply), G.L. c.25A, §§11F(i) (MLPs exempt from RPS obligations).

In interpreting a statute, administrative agencies must be guided by the presumption that in enacting the statute, the Legislature was aware of other statutes on the same subject. *Charland v. Muzi Motors, Inc.*, 417 Mass. 580, 582 (1994). MassDEP must presume that the Legislature did not intend to work such a radical change from its historic treatment of MLPs as would occur where, as now, MassDEP mandates the CES regulation on MLPs without plain and unequivocal language allowing such mandate. *Roberts v. Enterprise Rent-A-Car Boston*, 438 Mass. 187, 193 (2002).

"A matter may be within the letter of a statute and not come within its spirit,... if to include it would require a radical change in established public policy or in the existing law and the act does not manifest any intent that such a change should be effected." *Suffolk Construction*, 449 Mass. at 458, *quoting Commissioner of Corps. And Taxation v. Dalton*, 304 Mass. 147, 150 (1939). An interpretation of G.L. c. 21N which allows MassDEP to require MLPs to comply with the CES regulation would be unreasonable because such an interpretation would require "a radical change in established public policy [and] the existing law and the act does not manifest any intent that such a change should be effected." *Id.*

same exemption from regulatory requirements promulgated under c. 21N. MassDEP cannot give itself the power to regulate MLPs when the Legislature did not see fit to do so simply by creating a category of generation technologies that is eligible for the CES but not for the RPS. *Early v. State Board of Retirement*, 420 Mass. 836, 839-840 (1995). Thus, it is unreasonable to interpret G.L. c. 21N as requiring MLPs to comply with the CES regulation. *Franklin Office Park Realty corp.*, 466 Mass. at 460.

(2) MLPs should not be equated with investor-owned utilities.

The proposed CES regulation included MLPs in the definition of "Retail Electricity Seller or Retail Seller" along with investor-owned utilities ("IOUs"). This clearly ignores the vast and vital differences between MLPs and IOUs.

MLPs have no investors, are self-regulated and clearly differ from IOUs. See *Donohue v. City of Newburyport*, 211 Mass. 561, 567 (1912). MLPs and IOUs are completely different types of entities governed by separate statutory schemes. G.L. c. 164, §2. IOUs are governed by G.L. c. 164, §§1-1H, 3-33A, 76-102C. MLPs are governed by G.L. c. 164, §§34-69A, and can only operate pursuant to those laws.

IOUs are organized as profit making domestic corporations owned by shareholders. G.L. c. 164, §§ 3-8D, 23-24, 33. MLPs do not have shareholders, their return on plant is capped by statute, and they are run by public officials. G.L. c. 164, §§34, 58; *Municipal Light Commission of Taunton v. State Emp. Group Ins. Commission*, 344 Mass. 533 (1962).

MLPs' prime directive is to provide reliable, low cost electricity to the cities and towns' residents and businesses.

MLPs are primarily regulated at the local level. The mayor, selectmen or municipal light board and the manager of the MLP fix the electricity prices charged by the MLP in accordance with a statutory formula. G.L. c. 164, §58. As public officers, they are entitled to legislative deference in fixing prices under legislative mandate. *Board of Gas and Elec. Com'rs of Middleborough v. Department of Public Utilities*, 363 Mass. 433 (1973).

Unlike IOU's, MLPs set rates in accordance with a statutory formula. G.L. c. 164, §§57, 58. The formula defines the minimum price in any rate schedule and the maximum price for all rate schedules. No price may be set at less than production cost. All schedules of prices may not yield more than 8% on the cost of plant, after payment of all operating expenses, interest on the outstanding debt, the requirements of any fund established to pay the debt, and an amount for depreciation equal to 3% of the cost of plant, or such smaller or larger amount as the Department of Public Utilities ("DPU") may approve. G.L. c. 164, §58. All income for each fiscal year must be used to pay for the annual expense of the MLP for the fiscal year. Any surplus of the annual allowance for depreciation not used for replacing plant is held in a depreciation fund by the town treasurer for replacing plant in succeeding years, or for paying nuclear decommissioning costs, stranded costs or, upon DPU approval, any indebtedness issued to pay for plant replacements. G.L. c. 164, §57.

442 (1965).

In contrast, the DPU has jurisdiction over the entire rate structure of an IOU. The DPU is free to select or reject a particular method of IOU ratemaking as long as the choice is not confiscatory or illegal. *American Hoechst Corp. v. Department of Public Utilities*, 379 Mass. 408 (1980); *Massachusetts Electric Company v. Department of Public Utilities*, 376 Mass. 294 (1978); *Boston Edison Company v. Department of Public Utilities*, 375 Mass. 1 (1978).

IOUs are entitled to charge rates which afford them opportunity to meet their cost of service, including a fair and reasonable return on prudently invested capital. *Boston Gas Company v. Department of Public Utilities*, 367 Mass. 92 (1975). IOU ratemaking uses a test-year model under which the DPU examines a test period on the theory that the revenue, expense and rate base during that period accurately reflects the IOUs' present financial situation and fairly predicts its future performance. *Bay State Gas Company v. Department of Public Utilities*, 459 Mass. 807 (2011).

The DPU designs base rates using a cost allocation method that is based on equalized rates of return for each customer class, but if the method impacts any customer class by more than 10%, the DPU may phase in the elimination of any cross subsidies between rate classes over a reasonable period. G.L. c. 164, §94I.

IOUs' prime directive is to make profits and pay dividends to shareholders. To balance this private directive with the public nature of a utility, the DPU has general supervisory authority

rates with the DPU for approval. IOUs must also file all contracts for the sale of electricity with the DPU, which may investigate the propriety of such contracts, and make orders relative to their rates and terms. G.L. c. 164, §94. The burden is on the IOU to show that its proposed rates are proper. *Metropolitan District Commission v. Department of Public Utilities*, 352 Mass. 18 (1967). In determining the propriety of such IOU rates, the DPU must find that they are just and reasonable. *Bay State Gas Company v. Department of Public Utilities*, 459 Mass. 807 (2011).

By requiring MLPs to comply with a CES regulation – which will require CES ACPs – MassDEP essentially would be appropriating the power afforded to local public officials who set the rates for MLPs.

(3) G.L. c. 111 does not provide MassDEP with authority to require MLPs to comply with the CES regulation.

Neither §142A nor §142B of G.L.c. 111 provides authority to include MLPs in a CES regulation. Section 142A authorizes MassDEP to promulgate regulations under other, specifically referenced, sections of c. 111, namely, §§142B through 142M. The purpose of §142B is to address air pollution through regulation of physical premises that are a source of air pollution.

Thus, the general statutory plan of c. 111 is the control of air pollution through regulation of air pollution sources, (for example, residential, industrial or commercial premises

association with other sections of c.111, and in accordance with the general statutory plan. *Commissioners of Bristol County Mosquito Control District v. Start Reclamation & Mosquito Control Board*, 466 Mass. 523, 529 (2013). Because §§142A and 142B focus on the sources of air pollution, they bear no relationship to a CES regulation of the power purchases of MLPs and thus cannot provide MassDEP with implied authority to require MLPs to comply with a CES regulation. *See Life Insurance Association of Massachusetts*, 403 Mass. 417–18 (where courts have found an implied authority to issue regulations, there has always been a rational relationship between the regulation and the purpose the statute viewed as authorizing the regulation); *see also Derby Refining Co. v. Board of Aldermen of Chelsea*, 407 Mass. 718, 722 (1990) (where the statutory plan concerned the regulation of fire hazards, board of aldermen had no authority to revoke a flammable storage license issued pursuant to the statute on the basis of environmental and health related concerns).

(4) There is no need to impose the CES Regulation on MLPs because MLPs are already in line with the proposed CES.

MLPs already have been working toward the goal of increasing the percentage of electricity sold in Massachusetts that is generated using non-emitting technologies. In 2013, MLPs nearly met the proposed 2020 CES of 30% of sales of energy from clean energy generators. As per AQ31 data a significant number of MLPs have power supplies that already are more than 43% carbon free.

boards). See *Providence and Worcester Railroad Company*, 453 Mass. at 145.

While MassDEP has the power to adopt regulations to carry out the will of the Legislature, such rulemaking authority is not the power to make law. *Id.* The will of the Legislature as expressed in c. 21N does not, in any way, support a requirement that MLPs comply with a CES regulation promulgated under c. 21N.

(5) *Kain* does not support imposing the CES regulation on MLPs.

In *Kain*, the SJC decided that MassDEP had not yet satisfied its obligation to promulgate regulations requiring decreases in the annual aggregate GHG emissions pursuant to G.L. c. 21N, §3 (d). In reaching its decision, the SJC concluded that neither the requirements of the Regional Greenhouse Gas Initiative (“RGGI”) nor the Low Emission Vehicle program satisfied the §3 (d) obligation to promulgate regulations. *Kain*, 474 Mass. at 297-300.

However, the SJC did not address whether such regulations should apply to MLPs and nothing in the *Kain* decision expressly or impliedly indicates that such regulations should apply to MLPs. In fact, the SJC noted that §3(c) “specifically carves out a separate process by which emissions levels and limits associated with the electric sector are established in consultation with the secretary and the Department of Energy Resources and are to take into account the RGGI.” *Id.* at 297. The SJC refused to construe §3(c) and §3(d) together as such a reading would “ignore the Legislature’s intent that regulations related to the electric sector be treated differently from regulations promulgated under §3(d).” *Id.*

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sions levels and limits for the electric sector,

MLPs are exempt from the RPS. This
not be required to comply with the CES

om CES regulations as a matter of law.

ulation on MLPs.



November 30, 2017

Via email to: climate.strategies@state.ma.us

Massachusetts Executive Office of Energy and Environmental Affairs
100 Cambridge Street
Boston, MA 02109

Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

Re: Comments on CES-E and Municipal Utilities Options for Expanding the Clean Energy Standard

Dear Sir or Madam:

On behalf of Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid (“Company” or “National Grid”), I am pleased to offer comments on the CES-E and Municipal Utilities options for expansion of the Clean Energy Standard (“CES”) regulations, 310 C.M.R. 7.75,¹ put forth for comment by the Massachusetts Executive Office of Energy and Environmental Affairs (“EEA”) and the Massachusetts Department of Environmental Protection (“MassDEP”).

On August 11, 2017, MassDEP promulgated the CES regulations. The purpose of the CES is to achieve greenhouse gas (“GHG”) emissions reduction goals, as required by the Global Warming Solutions Act (“GWSA”), by establishing a CES that will increase the level of clean electricity that is purchased from the regional electric grid for consumption in Massachusetts. The CES is designed to function in a manner similar to and compatible with the existing Renewable Energy Portfolio Standard (“RPS”), 225 C.M.R. 14.00 *et seq.* and 15.00 *et seq.*, by requiring retail electricity sellers to annually procure a minimum percentage of “clean generation attributes” (sometimes called “CECs”) that corresponds to a percentage of electricity sales. See, e.g., 310 C.M.R. 7.75(2) and (4). CECs are produced by any resource that meets the CES eligibility requirements which includes all RPS Class I resources and non-RPS Class I resources that are approved by MassDEP. CES obligations can be satisfied with RPS Class I Renewable Energy Certificates (“RECs”) or from GIS Certificates associated with units approved by MassDEP.

¹ On October 30, 2017, National Grid submitted initial comments on the Massachusetts Executive Office of Energy and Environmental Affairs’ and the Massachusetts Department of Environmental Protection’s first option to expand the CES, which is to expand CES eligibility to include clean energy generation procured to align with the Energy Diversity Act of 2016 implementation.

The regulations require MassDEP to complete a review by December 31, 2017, including an opportunity for public comment, of options for including generators that meet all requirements of the CES except for the commercial operation date requirements in 310 C.M.R. 7.75(7)(a)2. and (b)1., and to review options for including annual standards for municipal electric departments, municipal light boards, and municipal light plants (collectively, “municipal utilities”) in the CES. On October 6, 2017, MassDEP notified interested stakeholders of its proposals to expand the CES, and it convened several stakeholder meetings and requested written comments on these proposals.

CES-E

EEA and MassDEP’s second proposed option for expanding the CES is to amend the CES to add a separate requirement to support existing clean generators, which is referred to as “CES-E”. EEA and MassDEP requested stakeholder comment on this option, including responses to the following questions:

- *Is the CES-E approach described [in the 310 C.M.R. 7.75: Clean Energy Standard, Review of Options for Expanding the CES – Stakeholder Discussion Document] an appropriate approach for supporting existing clean generators? Are there other viable approaches?*
- *Are there eligibility requirements that are particularly important, such as limits on the size or location of clean generators, or technology-specific requirements?*

National Grid Comments: The purpose of the GWSA is to create a framework for reducing greenhouse gases to levels that scientists believe give us a reasonable chance of avoiding the worst effects of global warming. The CES is aimed at implementing this important policy goal. All clean energy resources play a vital role in helping the Commonwealth reduce its greenhouse gas emissions and avoid the impacts of global warming.

Among the options being considered, the best option for how to include existing facilities in the CES would be to allow all clean resources into the CES with its current percentage of electricity requirements, with no commercial operation date, size, or other restrictions, and to maintain the same Alternative Compliance Payments (“ACPs”) for all CECs. The purpose of the CES is to achieve greenhouse gas emissions reductions. Existing resources are a very important part of achieving and maintaining those reductions. As MassDEP and EEA have noted in the 310 C.M.R. 7.75: Clean Energy Standard, Review of Options for Expanding the CES – Stakeholder Discussion Document (“Discussion Document”) on review of options for expanding the CES, the loss of existing low- and zero-emissions generators prior to 2050 could make it more difficult to achieve the GHG emissions reductions required under the GWSA.

Including all clean resources in the CES also will allow competition to determine the best prices which we believe will be the most cost-effective for customers. Further, it is more cost-effective to maintain existing operational units than to build new units. Any asserted “windfall” to existing resources of being qualified under the CES is irrelevant, as both existing and new resources are contributing to emissions reduction goals.

It is unclear how a special CES-E would operate, whether as an additional obligation or as a carve-out from the current CES. Adding an additional CES-E obligation above and beyond the current CES obligation would be the worst option because it would lead to the highest costs for customers. It would be yet another obligation in addition to the existing CES, RPS Class I, RPS Class II, and Alternative Energy Portfolio Standards (“APS”) requirements. Additionally, in 2050 the RPS Class II Waste Energy Minimum Standard and APS Minimum Standard will require 16% of electricity sales be from eligible resources, in addition to the 80% CES obligation. The RPS Class II Renewable Generation Minimum Standard, which is 2.6155% in 2018, is unknown in 2050 because it is calculated annually by the Massachusetts Department of Energy Resources. Thus by 2050 at least 96% of investor-owned utilities electricity sales will be from CES, RPS Class II, and APS resources. A CES-E requirement beyond the CES is simply not feasible as the IOUs already will be near 100%. Finally, a CES-E would add administrative complexity (and likely add additional administrative costs) to create a separate CES-E category that requires compliance, tracking, and reporting of compliance.

If EEA and MassDEP were to create a separate CES-E obligation, it should be created as a carve-out of a portion of the existing CES obligation, with its own vintage requirements and ACPs. Doing so would continue existing clean resources’ contribution to the Commonwealth’s GWSA goals. In such a case, National Grid would support EEA and MassDEP’s recommendation that ACPs for CES-Es be 10% of the RPS Class I ACP amount, in order to provide a ceiling price, prevent high costs for CES-E CECs in shortage markets, and recognize that existing resources already are built.

Regardless of which option EEA and MassDEP select, all load-serving entities – including investor-owned utilities, competitive suppliers, and municipal utilities – should have the same obligation percentages for each requirement. All residential, commercial, and industrial customers in Massachusetts should contribute to the Commonwealth’s efforts to achieve its GWSA goals. If only customers of investor-owned utilities (“IOUs”) have to meet these percentage obligations, that is an unfair burden on IOU customers that is not being shared proportionately with other customers in the state. And, the non-IOU customers benefit from the resulting greenhouse gas reductions.

The Discussion Document suggests that to qualify for the CES-E, a generator cannot participate in other clean energy programs such as state portfolio standard programs. National Grid believes that generators that participate in other clean energy programs should be eligible for the CES-E. Excluding such resources would result in the CES-E consisting mostly of existing large hydropower from Canada and the Seabrook nuclear power plant because those types of resources are not eligible in other state portfolio standard programs. Renewable resources such as wind and solar that were unable to qualify for RPS Class I because they became commercial before December 31, 1997 most likely qualified for other state portfolio standard programs. These resources would receive less compensation than the Seabrook nuclear power plant because the state portfolio standard programs for pre-1998 resources often have REC prices that are significantly lower than the proposed CES-E ACP. Restricting CES-E to

resources that do not participate in other state portfolio standard programs would provide a windfall to Canadian large hydropower and the Seabrook nuclear power plant.

Additionally, the Discussion Document suggests that CES-E resources must be located in a state or region from which Massachusetts has consistently imported significant quantities of potentially eligible electricity in recent years. National Grid does not believe that this restriction is possible or logical. The RPS allows a resource within any state within the ISO-NE or a neighboring control area to qualify. 225 C.M.R. 14.05(5). A similar requirement would make sense for the CES-E. National Grid believes that these resources should qualify under the CES as well.

Municipal Utilities

EEA and MassDEP's third proposed option for expanding the CES is to address options for including municipally-owned electric utilities in the CES. EEA and MassDEP requested comments on this option for expanding the CES, including responses to the following questions:

- *What would be the best way to include municipal utilities in the CES? How could a CES-E address municipal utilities' relationships with existing clean generators?*
- *What are the relevant legal and contractual issues faced by municipal utilities as we consider options?*

National Grid Comments: The GWSA goals of reducing greenhouse gas emissions, and avoiding the impacts of global warming, are important goals for the entire Commonwealth. All residents of Massachusetts will benefit from achievement of these goals, and all residents of Massachusetts – including customers of municipal utilities – should contribute equally to achievement of these goals. Municipal utilities should be subject to the CES beginning January 1, 2018, on the same timeline that the IOUs are subject to the CES and with the same percentage requirements for electricity sales, without a separate phase-in period. There is an urgent environmental need now to further reduce greenhouse gas emissions, and delaying applicability of the CES to municipal utilities makes achieving that environmental goal more difficult. Further, having different requirements for IOUs than for municipal utilities creates disproportionate burdens for customers of IOUs versus customers of municipal utilities, where customers of IOUs are funding the CES for clean energy, compliance with the RPS, APS and other environmental goals, and the state's 2020 and 2050 emissions reductions goals. From 2012 through 2017, National Grid estimates that all IOU customers in Massachusetts (including customers who receive their electric supply from competitive suppliers) have spent over \$3 billion to comply with the RPS Class I, RPS Class II, and APS requirements, while customers of municipal utilities have not been required to pay anything to comply with these obligations.

IOU customers will continue to have to pay for RPS Class II and APS obligations (in addition to paying for the CES and RPS Class I obligations that count toward the CES), so even if municipal utilities are subject to the same requirements of the CES as IOUs, customers of IOUs still will be making a disproportionately larger contribution to the state's climate goals. Additionally, municipal utilities' compliance with the CES would cost less than the IOUs'

compliance with the CES. This is because the majority of the IOUs' compliance with CES will be their compliance with their RPS Class I obligation, however the municipal utilities' compliance costs will derive solely from the CES. CECs that are not RPS eligible will have a lower ceiling price than RPS Class I RECs because of the lower CES ACP. The CES ACP is 75% of the RPS Class I ACP value for years 2018-2020, and then decreases to 50% of the RPS Class I ACP value thereafter. It is very possible that IOUs will have to procure RPS Class I RECs at higher prices than the CES ACP for the majority of their load in order to meet their CES obligation, whereas municipal utilities can meet their CES obligations with lower priced non-RPS CECs.

Additionally, not including municipal utilities in the CES would create a risk of "defection", i.e., more municipalities whose residents currently get their distribution service from IOUs exploring their own provision of electricity in order to avoid or reduce the costs of clean energy compliance obligations for their residents, resulting in fewer and fewer customers funding the CES obligations and contributing to the GWSA goals. Municipal utility customers currently represent approximately 15% of the electric load in the state, and even at that current level the state's GWSA goals cannot be met without their participation. While the GWSA requires reductions in greenhouse gas emissions by other entities covered under the GWSA such as the transportation sector, the reality is that the electricity sector already has made significant reductions in its greenhouse gas emissions but the transportation sector has not, and the transportation sector is now a much larger source of greenhouse gas emissions than the electric sector.²

Further, on average municipal utilities charge lower rates to their customers than do IOUs.³ Part of this difference in rates is due to the fact that municipal customers have not been paying the charges for state renewables programs and other state policies including the RPS, APS, net metering, and long-term contracting that IOU customers must pay. In total, for National Grid residential customers these costs add up to approximately 4.84 cents per kilowatt hour.⁴ There is, therefore, additional room on the bills for municipal customers to contribute to the costs of clean energy, including CES compliance costs.

If municipal utilities also are subject to the CES, this added demand from municipal utilities could raise the price of CECs in the short-term. This would result in more value for CEC generators and incent new generation, which should secure a supply of CECs for a longer period.

² In 1990, the electricity consumption sector in Massachusetts had 28.2 million metric tons of carbon dioxide equivalent emissions (MMT_{CO₂e}), or 29.8% of total emissions, and the mobile combustion sector had 30.5 MMT_{CO₂e}, or 32.3% of total emissions. Massachusetts Clean Energy and Climate Plan for 2020: 2015 Update, at page 5, figure 2. In 2012, the electricity consumption sector had gone down to 15.8 MMT_{CO₂e}, or 21.9% of total emissions, and the mobile consumption sector had essentially stayed the same, at 29.9 MMT_{CO₂e}, but its relative percentage of emissions had increased to 32.3%. *Id.*

³ See, e.g., http://www.mmwec.org/documents/annual-reports/mmwec-2016_2nd_version.pdf, at 3.

⁴ These costs are broken out by program, per kilowatt hour, as follows: RPS/APS/CES, 2.23 cents; Energy Efficiency Program Charge, 2.083 cents; Renewables Charge, 0.05 cents; Renewable Energy Recovery Factor, .05 cents; and Net Metering Recovery Surcharge, .424 cents.

EEA and MassDEP clearly have the authority to apply the CES to municipal utilities. EEA and MassDEP have the authority to issue regulations requiring reductions in GHG emissions by all entities within the “electric sector”, which includes municipal utilities. Specifically, M.G.L. c. 21N, section 3(c) gives the authority to the EEA and MassDEP to “set emissions levels and limits associated with the electric sector”. “Electric sector” is a broad term and there are no entities that are listed as being excluded from that sector. As EEA and MassDEP note in their August 2017 “Response to Comment on 310 CMR 7.74 *Reducing CO₂ Emissions from Electric Generating Facilities*, 310 CMR 7.75 *Clean Energy Standard*”, at page 19, “[g]iven the central role of the electric sector in achieving the required GWSA GHG emissions reductions of 25% and at least 80% by 2020 and 2050, respectively, it would be inconsistent with the goals of the entire GWSA scheme to exempt parts of the electric sector from regulations that require reductions in GHG emissions from that sector.”

The Discussion Document lists a number of possibilities for how the CES could be applied to municipal utilities. The Discussion Document suggests a phase-in for municipal utilities, with a 0% requirement for 2018-2020. For 2021-2049, it suggests a lower standard for municipal utilities than for other retail suppliers, to account for the fact that municipal utilities are not subject to the RPS. It suggests two options, either: (i) starting in 2020, setting the standard at 6% plus a small fraction (1/30) of the 16% that will be required for non- municipal utilities, with the fraction going up by 1/30 each year; or (ii) discounting the standard for municipal utilities by the full amount of the RPS standard for the year.

National Grid does not support any form of a lower standard for municipal utilities than for IOUs. As noted previously, a lower standard for municipal utilities places a disproportionately higher and unfair portion of the costs of complying with the Commonwealth’s emissions reductions goals on customers of IOUs and puts the Commonwealth further behind in meeting its GWSA goals. Customers of IOUs also will continue to bear the burden of costs for RPS Class II compliance, APS, Section 83 contracts (for some utilities) Section 83A contracts, net metering, and other environmental policy goals and requirements to which municipal utilities are not subject. In addition, IOU customers will be required to pay for additional programs in the future that municipal customers will not be required to pay for, including Section 83C contracts, Section 83D contracts, and the Solar Massachusetts Renewable Target (SMART) program. IOU customers are already bearing a much higher cost for achieving the Commonwealth’s environmental goals than are customers of municipal utilities. In addition to these cost-based reasons, it is also important to apply the same standard to municipal utilities so that the Commonwealth can meet its emission reductions goals.

The Discussion Document also suggests that municipal utilities have longer financial planning and approval timeframes than public utilities, and that this is a reason to phase-in CES requirements for municipal utilities. However, municipal utilities should be able to come into compliance quickly with the CES. For example, National Grid purchases RECs on a short-term basis, and it would be very easy for municipal utilities to enter the market and meet their obligations by purchasing RECs on a short-term basis as well. There is an ample supply of RPS Class I RECs that can be used for compliance, and there are a variety of brokers who could

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facilitate these purchases. Municipal utilities should not have difficulty meeting the CES obligations on their own, but if they do they could engage the help of a third party, possibly even an IOU. National Grid is open to having discussions with municipal utilities about helping them comply with the CES by providing this as a fee-based service.

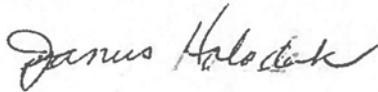
The Discussion Document also notes that some municipal utilities have ownership and contractual relationships with clean resources, but sell the RECs to other electricity sellers that are subject to the RPS. The Discussion Document proposes that if municipal utilities do not sell the RECs, they can subtract the MWh associated with these contractual and ownership interests from the calculation of the number of CECs required for compliance, or that they could use these RECs for compliance with the CES. National Grid believes that the latter option – using these RECs for compliance – would be the easier and simpler option, and is preferable. However, either option should be clarified to state that only resources that produce RPS Class I RECs or a new CEC should be allowed to comply with the CES if the current regulations are not changed. Non-RPS Class I resources (such as nuclear and large hydropower) should be considered for compliance only if both existing resources and new resources are allowed to qualify for the current CES, which National Grid supports, or if a CES-E is established.

* * *

National Grid appreciates the opportunity to comment on these proposed options for expanding the CES and thanks the EEA and MassDEP for their consideration of these comments. If you have any questions, please do not hesitate to contact me at 781-907-1000.

Very truly yours,

NATIONAL GRID



James G. Holodak, Jr.

Vice President, Regulatory Strategy and Integrated Analytics

cc: William Space, Massachusetts Department of Environmental Protection
(william.space@state.ma.us)



November 30, 2017

Martin Suuberg
Commissioner, MassDEP
1 Winter Street
Boston, MA 02108

Re: 310 CMR 7.75: Clean Energy Standard – Review of Options for Expanding the CES

Dear Commissioner Suuberg:

Thank you for the opportunity to comment on the proposed options for expanding the Clean Energy Standard (CES), pursuant to the review required in 310 CMR 7.75(10). We thank the Department of Environmental Protection (“MassDEP,” “the Department”) for engaging stakeholders in a transparent and open manner and for extending the opportunity for public comment. The Northeast Clean Energy Council (NECEC) is appreciative of the Department’s actions to date with regard to the CES. The considerations in this inquiry will have important implications for the future of Massachusetts’ energy consumption and resource mix, including and especially as relates to the long-term and interim emission reduction targets mandated by the Global Warming Solutions Act (GWSA). We look forward to working with you to refine and implement the proposals in the coming months to keep the Commonwealth squarely on the path to incremental emissions reductions.

NECEC is a clean energy business, policy, and innovation organization whose mission is to create a world-class clean energy hub in the Northeast, delivering global impact with economic, energy, and environmental solutions. NECEC is the only organization in the Northeast that covers all of the clean energy market segments, representing the business perspectives of investors and clean energy companies across every stage of development. NECEC members span the broad spectrum of the clean energy industry, including energy efficiency, renewable energy, energy storage, fuel cells, combined heat and power, and advanced and “smart” technologies. Many of our members are already doing business in Massachusetts, and many more are interested in doing so in the near future.

Options for Expanding the CES: The “CES-E”

NECEC appreciates the opportunity to comment on the proposed option for expanding the CES to include certain existing resources (the “CES-E”). We agree with the Department that this option merits close consideration, especially in light of the role that existing carbon-free resources will play in the state’s achievement of GWSA-required emissions reductions. The retirement of existing low- and zero-emission resources will undoubtedly, as the Department acknowledges, make it more difficult for the state to successfully achieve its emissions reduction mandates. Given the disproportionate risk of retirement that small, older resources such as hydroelectric facilities face, the CES-E should indeed be pursued as a way to encourage such existing clean resources to stay online and continue to generate electricity for consumption in Massachusetts. Many of these valuable resources, which may face the burden of significant capital expenditures necessitated by ongoing repairs and maintenance, have the ability to cost-effectively deliver incremental low-carbon electricity into Massachusetts and contribute positively to the state’s emission reduction efforts.

To balance the need for both new and existing resources, NECEC supports the creation of a CES-E that is separate from the main CES compliance obligation imposed on load serving entities (LSE) for clean energy attributes from new (post-2010) facilities. Our member companies own and operate facilities that span both new/existing and RPS/CES eligibilities, and we believe that the CES-E can be structured to accommodate and support all combinations thereof. This can be achieved without impinging on any one resource type's standing under the CES and without putting dissimilar resources in competition with one another. However, NECEC recommends several changes to the CES-E framework outlined in the Stakeholder Discussion Document to better enable Massachusetts to leverage existing resources to meet its environmental objectives quickly and cost-effectively.

Options for a "CES-E" Without Vintage Restrictions

For the new CES-E tier, we would strongly prefer an approach imposing a project size limit rather than a back-end vintage requirement. Currently, the Stakeholder Discussion Document contemplates a 1990 vintage restriction for the CES-E to address stakeholder concerns regarding the treatment of certain technology types. However, the proposed vintage restriction could return undesirable results by unnecessarily limiting the Commonwealth's ability to access valuable and competitive existing resources, including many small hydropower resources within and adjacent to ISO-NE. Avoiding an arbitrary vintage restriction will unlock many of those valuable resources and will enable more efficient and cost-effective outcomes for Massachusetts ratepayers. NECEC would suggest the Department establish a project size eligibility restriction, somewhere in the range of 30 to 50 megawatts (MW). A cap would qualify a larger pool of resources than the vintage restriction and also accomplish the original objective of DEP's proposed 1990 vintage requirement, improving overall CES-E competition and putting downward pressure on ratepayer costs.

Furthermore, removing a CES-E vintage restriction will prevent additional layers of unfair treatment for certain existing hydropower facilities. For example, hydropower facilities installed prior to December 31, 1997 that are larger than 7.5 MW are currently ineligible to participate in the state's RPS program. The current CES-E proposal, by contrast, would qualify only a small subset of existing hydropower facilities larger than 7.5 MW, i.e., only those built after 1990. This would create a secondary filter or cut-off in recognizing value from existing resources, and doing so would threaten to decrease the role that such existing zero-emission generators can play in cost-effectively achieving the mandates of the Global Warming Solutions Act.

In summary, we strongly recommend that the Department structure the CES-E tier with a project size limitation rather than a vintage restriction. Doing so will qualify a broader cross-section of valuable existing resources, better positioning the state to meet emission reduction goals and encourage continued resource operation at a lower cost to ratepayers.

Options for a CES-E with Modified Vintage Restrictions for Incremental ISO-NE Delivery and FERC Relicensing Dates

Should DEP feel that it must retain its proposal to implement the CES-E with a specific back-end vintage restriction, we would recommend two important modifications for the application of the CES-E vintage requirement. First, for existing resources located in control areas adjacent to ISO-NE, the Department should consider basing CES-E eligibility on the date resources began delivering energy into ISO-NE, rather than their date of commercial operation. Doing so would mean that DEP would determine the eligibility of an existing non-emitting resource in a

neighboring control area based upon the date the resource or transaction *became incremental* to the ISO-NE system, rather than the date the facility began operating. Under the vintage date proposed in the Department's review of options,¹ the CES-E would value and qualify any clean or non-emitting generation resource that became incremental to ISO-NE after 1990 and before 2011.

Secondly, for small hydroelectric facilities, we would recommend DEP consider using Federal Energy Regulatory Commission (FERC) relicensing dates rather than original commercial operation dates for purposes of determining resource eligibility under the CES-E.² As we understand it, the FERC hydro relicensing process is required for continued operation of non-federal hydro generation after the expiration of initial licenses, and completion of the process effectively results in the FERC granting a new license for re-started operations of a hydro generation facility. New FERC licenses are only awarded after a five-year or longer process that requires facility owners to perform extensive environmental studies, engage all local stakeholders, incur six- to seven-figure capital expenditures, and implement mandatory infrastructure upgrades. After that process is complete, a facility that is granted a new license is effectively operated as a new resource, meeting the highest and best state and federal environmental standards of the day, but also often incurring an 8-10% loss in facility energy output as a consequence. In light of this exhaustive process unique to hydropower facilities, NECEC believes that the Department should treat a re-licensed facility identically to a new hydropower facility achieving commercial operation within the same year for the purposes of the CES-E. Simply put, if the proposed CES-E vintage restriction (1990 or later) must be retained, a hydropower facility's eligibility under the program should be determined based upon the date of re-licensing rather than the date of commercial operation.

On this subject, we would also note that many of the hydroelectric facilities located in Massachusetts are small enough to operate under an exemption from FERC licensing requirements. Some of these facilities do not meet the technical requirements to qualify for RPS Class II despite their small size. We would recommend that these small facilities not face any vintage requirement for CES-E participation.

Taken together, the two recommendations – using date of incremental delivery into ISO-NE, and using date of FERC re-licensure – should be applied by the Department for any vintage or year restriction on resource eligibility in the CES-E. Both are reasonable applications and will serve the state well in leveraging the CES-E to, as it is intended, encourage the continued operation of valuable non-emitting resources.

Additional Considerations for CES-E Design

Outside of the two broad categories of options discussed above, several other CES-E design choices are also worthy of consideration. First, we believe that the CES-E should be structured as a single aggregate annual demand target, allocated to individual LSEs based on load share, similar to the RPS. Rather than, as DEP's review document suggests, requiring "retail electricity sellers to annually purchase clean energy certificates ("CEC-Es") from existing clean generators in amounts consistent with recent historical data, with quantities specified in MWh for each

¹ 310 CMR 7.75: Clean Energy Standard, Review of Options for Expanding the CES Stakeholder Discussion Document, pg. 5.

² We note that the Department should also consider the use of FERC relicensing dates in determining resource eligibility in the main CES tier/class.

category of existing clean generator (e.g., hydroelectric generators in Canada),”³ more competitive outcomes will be achieved if the CES-E features an aggregate annual demand target allocated to individual LSEs based on respective load shares. This design would simplify the CES-E concept and promote more cost-effective results through a less rigid and prescriptive model. By creating a single product pool instead of slicing up the aggregate numbers to reflect historical deliveries by resource type, this design would avoid outcomes that might require LSEs to procure CEC-Es from costlier resource types.

Additionally, regarding alternative compliance payments (ACP) under a CES-E, we agree with other stakeholders that the ACP value must be high enough to incentivize an LSE to actually purchase and retire credits from resources qualified under the CES-E. For the CES-E to achieve its stated purpose, the level of the ACP must also be sufficiently high to ensure that the intended support for existing non-emitting resources actually occurs in a meaningful way. If the ACP is set too low, LSEs may be more inclined to pay the ACP rather than to actually purchase credits, or the resultant market prices may be insufficient to encourage existing non-emitting resources to continue operating and supporting the Commonwealth’s carbon reduction goals. We share concerns that an ACP set at 10% of the Class I ACP, as proposed in the Stakeholder Discussion Document, will encounter these issues, potentially undermining the Department’s efforts to maintain these existing resources in the near and long term. NECEC echoes other stakeholders’ recommendations that the CES-E ACP be tied to a higher percentage of Class I ACP than currently proposed.

Options for Expanding the CES: Municipal Utilities

In our comments to the Department in February of 2017, NECEC extended its support for the Department’s proposal to include Municipal Light Plants (MLPs) in the CES. Then and now, we view the incorporation of MLPs into the CES as consistent with the GWSA requirements to address all emissions across the state. While we were disappointed to see MLP compliance removed from the finalized CES regulations in August, we encourage the Department to renew the effort again and support phased-in CES compliance for all MLPs. Since MLPs are not subject to the RPS and not currently required to deliver minimum amounts of renewable energy, it is appropriate to gradually phase the MLPs in to full CES compliance and set the first compliance year as 2021. We view the proposed phase-in schedule⁴ as preferable to the alternative option that would subtract the full RPS standard through 2050. In fact, we believe it would be reasonable to expect MLP compliance with the RPS and CES to arrive at alignment with other LSEs well in advance of 2050 – potentially as soon as the early-mid 2030 timeframe. We recognize that this effort is complicated for many reasons, but we support DEP’s efforts to expand the CES to include MLP compliance and accelerate their CES obligation to achieve early alignment with other LSEs.

Conclusion

NECEC is grateful to the Department for its consideration of these comments. We look forward to continuing to work with MassDEP and other stakeholders to design and implement an optimal CES-E framework that provides support for beneficial existing carbon-free resources without

³ 310 CMR 7.75: Clean Energy Standard, Review of Options for Expanding the CES Stakeholder Discussion Document, pg. 4.

⁴ 310 CMR 7.75: Clean Energy Standard, Review of Options for Expanding the CES Stakeholder Discussion Document, pg. 6.

harming the market for new resources, along with an expanded CES phasing-in MLP compliance. NECEC would be glad to discuss any of our recommendations with you and reiterate that we are available as a resource throughout the remainder of the Department's review process. Please do not hesitate to contact us if you have any questions or we can provide any assistance.

Sincerely,



Peter Rothstein
President



Janet Gail Besser
Executive Vice President

Cc: climate.strategies@state.ma.us
Jamie Dickerson, NECEC

FW: Clean Energy Standard Comment

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 12/7/2017 1:44 PM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Thursday, December 07, 2017 1:44 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Clean Energy Standard Comment

From: Kim Slack
Sent: Thursday, December 7, 2017 1:43:45 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Clean Energy Standard Comment

To the Department of Environmental Protection
Regarding including Municipal Light Plants in the proposed Clean Energy Standard
(CES) 310 C.M.R. 7.75

The undersigned leaders of have become aware of the public process recently initiated by the Department of Environmental Protection (DEP) concerning the inclusion of municipal light plants in the proposed Clean Energy Standard (CES) 310 C.M.R. 7.75 to bring the state into compliance with the Global Warming Solutions Act of 2008.

We feel strongly that our commonwealth as a whole must lead the way on climate change and clean energy. Our state laws and state goals are structured to provide that leadership. Therefore, we believe that municipal light plants should be included in the clean energy standard and should be leaders on clean energy issue in Massachusetts.

We are customers of the Municipal Light Plants in (list towns) and we have requested that our MLP boards and our MLP managers engage constructively in the Clean Energy Standard Process. We do not believe that (list of towns) Municipal Light Plants should be exempt from the proposed Clean Energy Standard.

We appreciate the concern regarding the importance of maintaining the historical independence of the municipal light plants, but we believe that our MLPs can reach an agreement with the DEP that will allow for this continued independence while ensuring participation in the essential state-wide effort to make the transition to clean sources of renewable energy. We request that the DEP final rule include all the light plants.

In fact, our concerns are that the options laid out in the stakeholder discussion document allow the transition to clean energy to be too slow, and the amount of clean energy that the MLPs are using to remain too low. We feel that the circulated options document from the DEP allows MLPs to keep using polluting energy and to slow their transition, while what

we need to be doing in our communities is to move as fast as possible to truly clean energy.

We are looking for our communities to lead on clean energy in the Commonwealth and hope that our light plant managers and our light plant Boards will continue to participate in a dialogue with residents on setting new and ambitious goals for increasing investments in sources of Class 1 renewable energy.

Nothing less than the future of the planet depends on the actions we take today.

Respectfully yours,

On behalf of Sustainable Belmont, who voted to support this letter,

Kim Slack, Chair, Sustainable Belmont



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800 CONNECTICUT AVE. NW | WASHINGTON, DC 20006 | P:202-794-6300
99 WILLOW STREET | YARMOUTHPORT, MA 02675 | P:508-362-6262

Christopher Pollart
Return Address: Boston

November 30, 2017

Commonwealth of Massachusetts
Department of Environmental Protection
One Winter Street
Boston, MA 02108
Email: climate.strategies@state.ma.us

Re: **Comments of the Taunton Municipal Lighting Plant**
Proposed Clean Energy Standard for Municipal Light Plants

Dear Sir/Madam:

The Taunton Municipal Lighting Plant (“TMLP”) files these comments in response to the Massachusetts Department of Environmental Protection’s (“MassDEP”) request seeking stakeholder feedback on options for expanding the Clean Energy Standard (“CES”), 310 C.M.R. 7.75, to municipal light plants. TMLP appreciates MassDEP’s efforts to mitigate and reduce greenhouse gas emissions under the Global Warming Solutions Act (“GWSA”) and to work with municipal light plants. TMLP also supports MEAM’s efforts to work with the MassDEP in order to reach a mutually acceptable solution to include municipal light plant participation in the Commonwealth’s endeavors to reduce greenhouse gas emissions.

Although TMLP recognizes the importance of reducing greenhouse gas emissions, TMLP continues to urge the MassDEP to exclude municipal light plants from a mandatory CES obligation in favor of voluntary programs designed and implemented by the individual municipal light plants that can be monitored by the MassDEP. Not only is this approach the only approach supported by the language of the GWSA and regulatory scheme governing municipal light plants, but it is the most effective approach for achieving the highest level of reductions in a cost-effective manner.

In these comments, TMLP has not repeated the statutory and regulatory bases for excluding municipal light plants from a mandatory CES. However, TMLP continues to stand by its position and has attached its comments, dated February 24, 2017, and incorporates them herein (“Attachment A”). TMLP also has addressed MassDEP’s specific questions below.

Q. Is the CES-E approach described above an appropriate approach for supporting existing clean generators? Are there other viable approaches? (MassDEP Stakeholder Comment Request, p. 5)

Response: The purpose of the CES-E (existing clean generators) would be to encourage existing clean generators to continue to generate electricity for consumption in Massachusetts at current or historic levels. TMLP supports a CES-E approach. In general, any generation resource regardless of its commercial operations date should be allowed to qualify as a clean energy portfolio resource. If a resource is producing electrical energy (MWH) without producing greenhouse gas (“GHG”) (or otherwise meets the clean generator definition), then the generator is reducing global warming emissions by offsetting marginal emissions. Power delivered into a non-constrained New England transmission system may be dispatched based on its economics, emissions, reliability services, and ancillary services. All of these characteristics are blind to the age of the resource and only are dependent on the resources’ performance in each category of service. If there is an existing power plant that produces clean energy, it is supporting the objective to reduce GHG’s, it has an established physical presence and footprint, and does not require the construction of a new physical plant with its associated new footprint and cost.

Q. Are there eligibility requirements that are particularly important, such as limits on the size or location of clean generators, or technology-specific requirements? (MassDEP Stakeholder Comment Request, p. 5)

Response: In TMLP’s view, eligibility should not be contingent upon the size, location or technology of the clean generator. As recognized by the Supreme Judicial Court, the GWSA’s central purpose is to reduce emissions in the Commonwealth. *Kain v. Dept. of Env. Protection*, 474 Mass. 278, 287 (2016). GHG emissions know no boundaries and any reduction of GHG emissions, regardless of the particular source, would fulfill the GWSA’s objective. Power flow from production resources does not follow contractual paths, but rather, they obey the laws of physics. In other words, power flow throughout New England’s transmission system follows the path of least resistance to its ultimate load. It is understood that each utility’s objective performance should be based on the utility’s power portfolio entitlements contracted or otherwise owned for the purpose of serving its load. It is possible that a resource located outside of a utility’s load zone may actually reduce more GHG emissions if it is located in a resource deficient area. In general distributed clean energy resources close to load would provide the maximum emissions reduction benefits as well as provide local reliability service.

Global heating emissions reduction occurs by offsetting and displacing GHG emissions regardless of where the resource is located. It is the marginal displacement of GHG emissions that will reduce global warming and reduce other emissions adverse to human health, and the environment. (Note in the figure below, when CO₂ is offset both SO₂ and NO_x are also offset.) There is more that needs to be done than simply increasing the amount of clean energy in a utility’s power supply portfolio. The clean energy resources need to be dispatched, when possible, coincident with the highest marginal GHG emission hours. For non-dispatchable resources, energy storage may assist with this objective. According to the “2015 ISO New

4.5.1 All LMUs

In this scenario, all identified locational marginal units were used to develop the marginal emission rates. Non-emitting generators were associated with a zero emission rate. Figure 4-6 shows each fuel type’s time on the margin and month-to-month variations. Natural gas is marginal 39% to 85% of the time. More natural gas units were on in the margin from April through the end of the year, in the 78% to 85% range, while fewer were on in the margin from January through March, at a lower range of 39% to 68%. During January and March, coal-fired generation was on the margin more than other months, at 13% and 9%, respectively. Oil-fired generation was also on the margin more in the first two months of the year than during the rest of the year. However, February in particular stood out, with oil units on the margin 38% of the time during that month.

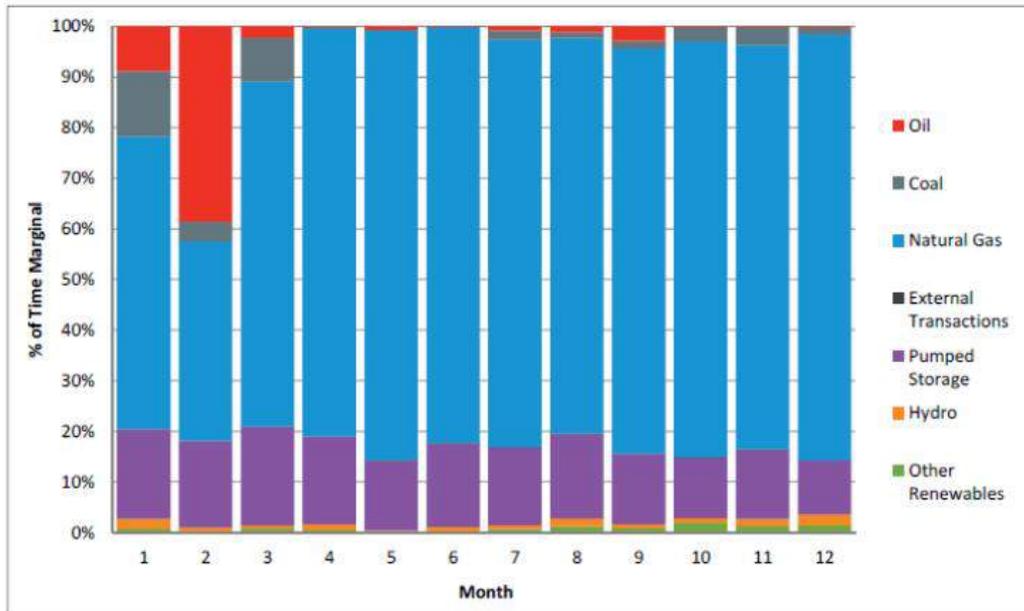


Figure 4-6: 2015 percentage of time various fuel types were marginal—all LMUs.

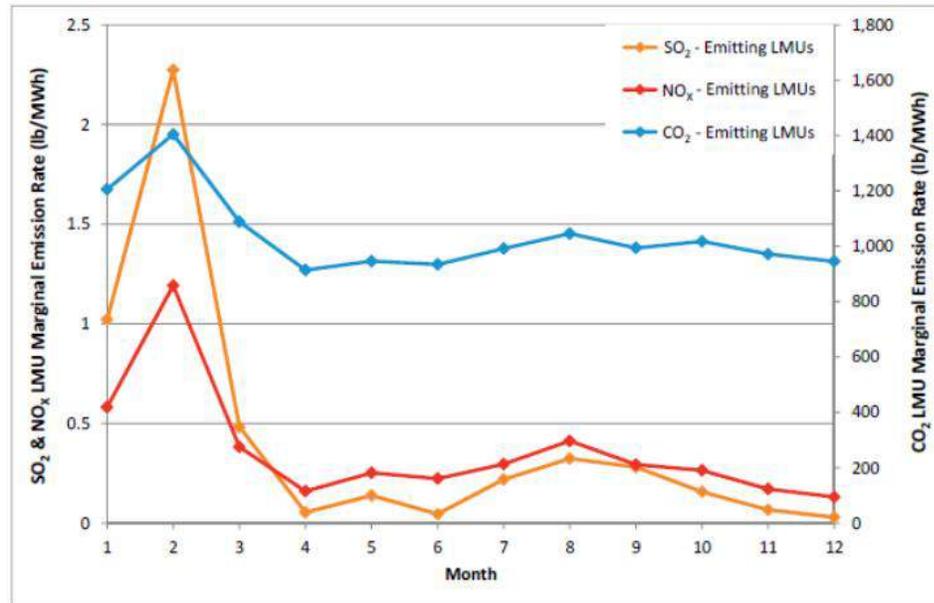


Figure 5-8: 2015 monthly LMU marginal emission rates—emitting LMUs (lb/MWh).

Municipal light plants in particular require flexibility in designing their energy portfolios given their unique characteristics and local governmental control. Municipal light plants in Massachusetts are relatively small, subject to local governmental control through elected or appointed officials, have no shareholders and do not participate in the competitive market of providing competitive retail electric supply. As such, municipal light plants should continue to have flexibility to structure their own programs in furtherance of the Commonwealth’s clean energy goals based on their individual needs and resources. Placing limits on the size, location, or technology of the clean energy generator, as well as the specific timing for procuring resources or implementing GHG reduction measures,¹ would only limit the ability of municipal light plants to achieve maximum reductions.

Q. Alternatively, MassDEP requests comment on whether the standard for MLPs should always be discounted by the full amount of the RPS standard for the year. For example, under this approach if the CES in 2050 is 80%, and the RPS Class I requirement is 45%, the standard for MLPs would be 35%. (MassDEP Stakeholder Comment Request, p. 6)

Response: The statutory and regulatory scheme governing municipal light plants requires that any CES program for municipal light plants be structured in a manner that always discounts the full amount of the RPS standard for each year. However, TMLP believes that municipal light plants will exceed the MassDEP’s CES targets if municipal light plants are allowed to structure their own greenhouse gas reduction programs on a voluntary basis.

¹ For instance, employing broader targets as opposed to annual percentages would give municipal light plants the ability to achieve maximum reductions and meet the Commonwealth’s overall goals.

As set forth in TMLP's comments in Attachment A, the Legislature clearly and undisputedly manifested an intention through specific statutory language to exempt municipal light plants from the RPS requirement. See M.G.L. c. 25A, § 11F(i). The RPS statute expressly states:

A municipal lighting plant shall be exempt from the obligations under this section so long as and insofar as it is exempt from the requirements to allow competitive choice of generation supply under section 47A of chapter 164.

Id. The language employed is mandatory, leaving no discretion to impose an RPS requirement in any form on municipal light plants that have not opened up their service territories to retail competition. Imposing a CES obligation on municipal light plants without subtracting a portion attributable to the RPS would impermissibly circumvent this statutory exemption.

Notably, CES compliance is in large part based on compliance with the RPS. As MassDEP has acknowledged, the CES is “designed to be compatible with, and complementary to RPS” and importantly, the RPS standard would account for a significant portion of the CES. Specifically, as the MassDEP stated in *The Background Document on Proposed New and Amended Regulation*, dated December 16, 2016:

Importantly, the RPS standard would account for more than half of the CES standard in every year (*i.e.*, 45% vs. 80% in 2050); thereby guaranteeing that RPS-eligible renewable energy remains the primary requirement for procuring clean energy.

As such, a CES that does not account for the RPS would function as a backdoor approach to imposing an RPS obligation on municipal light plants where none exists, particularly where the only realistic means of compliance, at least for many years to come, is through RECs. In addition, if the RPS obligation is not subtracted, municipal light plants would be disproportionately impacted as they would have a higher CES obligation than investor-owned utilities and retail suppliers, which also effectively creates a RPS obligation for municipal light plants in contravention of M.G.L. c. 25A, § 11F(i). Accordingly, the CES obligation for municipal light plants must always be adjusted to account for the RPS so as to create consistency between the GWSA and M.G.L. c. 25A, § 11F(i). This entire statutory and regulatory scheme must be interpreted so as to form a harmonious whole. See *North Shore Vocation Reg. School Dist. v. Salem*, 393 Mass. 354, 358-60 (1984); see also *Vining Disposal Service v. Board of Selectmen of Westford*, 416 Mass. 35, 38 (1993). Indeed, M.G.L. c. 21N, § 3(c) requires MassDEP to take into account the RPS, which means that the RPS exemption applicable to municipal light plants must be taken into account. Please refer to our February 24, 2017 comments in Attachment A for a more detailed discussion of the legal issues and the disparate treatment to municipal light plants that would result by not accounting for the RPS.

Q. What would be the best way to include municipal utilities in the CES? How could a CES-E address municipal utilities' relationships with existing clean generators? MassDEP Stakeholder Comment Request, p. 7)

Response: TMLP believes that the best way to include municipal light plants in the CES is through a voluntary effort in which individual municipal light plants design their own clean energy programs that MassDEP can monitor through the GWSA's reporting requirement. The municipal light plants would impose individual targets consistent with CES standards, which they could meet through a combination of approaches, such as through existing and new clean energy generation, and other voluntary programs that are designed to reduce GHG emissions. For instance, municipal light plants could reduce emissions by offering net metering or onsite solar rebate programs, which they are not legally required to offer, or by implementing load reduction and electric vehicle incentive programs or any other measures that reduce their customers' dependence on fossil fuels. (In the long-term, municipal light plants are uniquely positioned to develop incentives for electric vehicles to assist with energy storage and emissions displacement objectives.)² Indeed, any effort that reduces GHG emissions that municipal light plants are not legally required to undertake should be considered. Municipal light plants could fund such measures, in part, by making a form of "alternative compliance payment" or "ACP" to themselves. The key here is that municipal light plants must have flexibility to design their own programs to ensure that they are workable, do not impose undue hardships on themselves or their customers, and that they maintain their right of local control.

If the MassDEP elects to try and impose a mandatory CES standard on municipal light plants, a cost-benefit analysis would need to be conducted for municipal light plants first, as was done for investor-owned utilities. See M.G.L. c. 21N, § 4. Even then, municipal light plants should be allowed to meet their obligation through existing clean energy resources, regardless of when the contractual obligation was initially incurred or whether the municipal plant retained the RECs. As discussed below, municipal light plants already have entered into long-term low-emissions and renewable energy purchases despite having no legal obligation to do so. As discussed in TMLP's February 24, 2017 comments (Attachment A), early reductions benefit the future for decades, if not centuries. Moreover, fully counting the voluntary efforts of municipal light plants is consistent with the GWSA. Specifically, M.G.L. c. 21N, § 5 recognizes that early voluntary actions play a role in reducing GHG emissions and requires the Secretary to report

² Municipal light plants also are in a unique position to implement distributed clean energy projects which would not only provide clean energy, but the added benefit of integrating resources into their distribution systems to provide improved reliability especially under potential events which could interrupt power from larger centralized generation resources. Both clean energy and energy storage also will provide numerous opportunities for the implementation of micro-grid operations giving customer greater security under adverse events such as hurricanes, cyber-attacks, or other transmission failures.

Municipal light plants also are uniquely positioned to be able to dispatch local resource against real-time emissions to reduce locational emissions in their service territory and the ISO-NE's load zones. Municipal light plants are ideally suited to work with local critical services such as police, fire, government agencies, hospitals, and other critical infrastructure to develop distributed resources and incorporate them into reliability resources such as microgrids which would be clean-energy qualified. Municipal light plants may opt to offer additional programs to further reduce emissions beyond electric supply, such as fuel swap real-time to electric heat pumps and electric vehicle – both charge and peak power interconnection for reliability and emissions reduction. Municipal light plants were early providers of energy services and integrated resource plans and thus, they are ideally suited for the new paradigm of distributed clean energy resources. This lends itself to integrated resource planning to maximize socio-economic benefits which will include clean energy provisions with reduced GHG's along with distributed resources which in many cases can be incorporated into micro-grids providing for a more secure and reliable distribution system.

“whether entities that have voluntarily reduced their greenhouse gas emissions prior to the implementation of this chapter receive appropriate credit for early voluntary reductions.” Accordingly, because of the differing regulatory schemes between municipal light plants and investor owned utilities and the environmental benefits that will be realized because of municipal light plants’ early actions, MassDEP would have a legal obligation to take into consideration all existing clean energy resources. Please refer to Attachment 1 of Attachment A for a more detailed discussion of the benefits of early GHG reductions.

Q. What are the relevant legal and contractual issues faced by municipal utilities as we consider options? (MassDEP Stakeholder Comment Request, p. 7)

Response: Municipal light plants are in a unique position because their power purchases are not regulated and they have not been required to participate in electric industry restructuring and divest themselves of generation assets. Municipal light plants have entered into long-term and life-of-unit contracts, own generation and already have made a significant investment in clean energy resources. TMLP has a 4,845 KW entitlement in the New York Power Authority (“NYPA”) hydroelectric project and entitlements in the Seabrook Nuclear Power Plant and various landfill gas power purchases. In addition, renewable energy power supply transactions often were not structured to include the purchase of RECs as municipal light plants had (and still have) no legal obligation to obtain them. Contractually, they have no ability to obtain the RECs now. Nonetheless, their purchases facilitated clean energy and renewable energy development and contribute to future emissions reductions. Accordingly, any CES obligation must take into consideration the existing contractual commitments of municipal light plants and allow them credit regardless of the date of execution or whether the RECs have been retained.³

³ For these reasons, TMLP also maintains that the MassDEP’s proposed approach of not allowing the subtraction of MWh for which RECs have been sold to third parties unfairly prejudices municipal plants and does not believe that this would be the correct approach.

TMLP appreciates the Commonwealth's clean energy efforts, including its efforts to develop a CES approach that recognizes the unique position of municipal light plants. TMLP believes that the most effective approach would be to exclude municipal light plants from the mandatory CES requirement that has been designed for investor-owned utilities. Rather, consistent with the statutory and regulatory scheme and the unique position and challenges that municipal light plants face, they should continue to retain the flexibility to structure their own programs in furtherance of the Commonwealth's clean energy goals based on their individual needs and resources. These efforts could be monitored through the reporting obligation set forth in the GWSA. At a minimum, MassDEP should take into consideration all existing clean energy purchases and entitlements, as well as other voluntary efforts undertaken by municipal light plants to reduce emissions. Further, any annual CES percentage target must be adjusted by subtracting an amount attributable to the RPS so as to create consistency with the statutory and regulatory scheme. We look forward to working with the MassDEP further.

Sincerely,

A handwritten signature in black ink that reads "Christopher Pollart". The signature is written in a cursive style with a horizontal line underneath the name.

Christopher Pollart



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ATTACHMENT A

February 24, 2017

Commonwealth of Massachusetts
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Re: Comments of the Taunton Municipal Lighting Plant
Proposed Clean Energy Standard for Municipal Light Plants

Dear Sir/Madam:

The Taunton Municipal Lighting Plant (“TMLP”) files these comments in response to the Massachusetts Department of Environmental Protection’s (“MassDEP”) request seeking stakeholder feedback regarding the proposed Clean Energy Standard (“CES”), 310 C.M.R. 7.75. Among other issues, the MassDEP seeks input on whether municipal plants should be required to comply with the proposed CES as well as on specific implementation issues. Although TMLP appreciates the MassDEP’s efforts to mitigate and reduce greenhouse gas emissions under the Global Warming Solutions Act (“GWSA”), TMLP urges the MassDEP to exclude municipal light plants from a mandatory CES obligation. While it may be tempting to look to municipal light plants as a potential source for emissions reductions, there is no legal or rational basis for subjecting them to a mandatory CES obligation. In short, the imposition of a CES obligation on municipal light plants that have not opened up their service territories to competition is not supported by the language of the GWSA (M.G.L. c. 21N) or mandated by the Supreme Judicial Court’s (“SJC”) decision in *Kain v. Dept. of Env. Protection*, 474 Mass. 278 (hereinafter, “*Kain Decision*”) and is inconsistent with the longstanding statutory and regulatory schemes governing municipal light plants. The proposed CES framework also is legally flawed and would be counterproductive to the GWSA’s objectives.

The proposed CES impermissibly attempts to regulate the energy portfolios of municipal light plants under the guise of regulating in-state emissions under M.G.L. c. 21N, § 3(c), even though municipal light plants are vertically integrated utilities, that are exempt from all mandatory clean energy requirements and regulations applicable to investor-owned utilities. Similar to the Renewable Portfolio Standard (“RPS”), the proposed CES is a market-based framework that is intended to be used to provide a signal to the regional electricity market to improve upon cleaner energy portfolios and to provide additional revenue to support investment in transmission projects that can reach large-scale clean energy resources in Canada, northern New England, or other regions. See “Massachusetts Clean Energy and Climate Plan for 2020,” 2015 Update (“Updated Climate Plan”). With the proposed regulations, MassDEP seeks to

require all Massachusetts “retail sellers” of electricity to include in their energy portfolios increasing percentages of power with “clean generation attributes” or to make a CES Alternative Compliance Payment (“ACP”) to support investment. MassDEP’s treatment of municipal light plants as “retail suppliers,” particularly those that have not opened up their service territories to retail competition,¹ represents a sharp departure from the existing statutory and regulatory framework. Nothing in the GWSA or even M.G.L. chapters 25, 25A or 164 evinces any legislative intent to subject municipal light plants to regulation as retail suppliers or to mandate their participation in programs designed to promote clean energy or other environmental objectives through mandatory purchases or compliance payments. The Legislature consistently has recognized that municipal light plants require flexibility given their unique characteristics and local governmental control. Municipal light plants in Massachusetts are relatively small, subject to local governmental control through elected or appointed officials, have no shareholders and do not participate in the competitive market of providing competitive retail electric supply. Indeed, even the GWSA itself does not evince a legislative intent to regulate municipal light plants. Rather, municipal light plants only are subject to a reporting obligation, which is fundamentally different than imposing power purchase obligations under the proposed CES. In light of the statutory and regulatory scheme, had the Legislature intended to regulate the power purchases of municipal light plants, it would have included definitive language in the GWSA, particularly given that such a requirement will cost the municipal light plant ratepayers billions of dollars over the next 33 years.

In addition, the structure of the CES is legally flawed and would have a disproportionate impact on municipal light plants. The proposed CES is designed for investor-owned utilities and retail suppliers and fails to recognize the realities of how municipal light plants have operated over the past 20 years since restructuring of the electric industry. Municipal light plants have entered into long-term and life-of-unit contracts, own generation and already have made a significant investment in clean energy resources. The proposed CES fails to account for these investments and fails to provide municipal light plants with sufficient credit for their existing clean energy purchases. Notably, the CO₂ offsets in early years have the most environmental benefit and will have a positive impact in decades or even centuries to come. Yet, the CES penalizes municipal light plants for their early, voluntary actions. Moreover, the credit eligibility requirements are inconsistent with municipal light plants’ clean energy transactions. Unlike investor-owned utilities and retail suppliers, municipal light plants are not, and have never been, legally required to acquire environmental attributes because of the differences in the regulatory structure. Nonetheless, municipal light plants have supported the development of renewable and clean energy through long-term energy purchases. As currently structured, the proposed CES essentially imposes an RPS obligation on municipal light plants in contravention of M.G.L. c. 25A, § 11F, particularly where compliance cannot be achieved through a separate CES market. In fact, taking the RPS exemption into account, the proposed CES places a much higher obligation on municipal light plants than investor-owned utilities and retail suppliers.

Further, the proposed CES fails to achieve the intended goals of the GWSA. Municipal light plants already have made a significant investment in clean energy resources and have undertaken measures to reduce emissions more than any sector. Accordingly, the imposition of a

¹ To date, no municipal light plant has opened up its service territory to retail competition.

mandatory CES obligation on municipal light plants is not needed to achieve environmental benefits. To the contrary, the proposed CES will do nothing more than raise costs for Massachusetts ratepayers and at an accelerated pace for municipal light plant customers. These cost impacts cannot be ignored under the GWSA. Indeed, the GWSA requires a cost-benefit analysis, which needs to be performed before even attempting to impose a CES on municipal light plants. While TMLP appreciates the difficult task that the MassDEP faces, TMLP believes that MassDEP is targeting the wrong sector and should focus its efforts on reducing emissions in sectors where emissions levels have not improved. Accordingly, there is no rational legal or policy basis for attempting to subject municipal light plants to the proposed CES.

In the alternative, if the MassDEP will not exclude municipal light plants from the mandatory CES, the CES should be designed for municipal light plants. At a minimum, the CES should provide credit for all existing clean energy and renewable energy purchases regardless of date of acquisition and regardless of whether environmental attributes have been acquired. The obligation for municipal light plants also needs to be adjusted by subtracting the RPS obligation from its CES percentage requirement so as to create some consistency between the GWSA and the RPS program.

We have provided more detailed comments on these and other issues below and in the technical analysis set forth in Attachment 1, which is included with these comments.

I. Overview

A. Introduction to TMLP

TMLP is a municipal light plant that operates pursuant to M.G.L. c. 164 and special acts. TMLP is governed by a three-member Board of Commissioners elected by the citizens of the City of Taunton. Very importantly, unlike investor-owned utilities and retail suppliers, TMLP is a vertically integrated utility that owns distribution, transmission and generating facilities, a right that is conferred by M.G.L. c. 164, § 34. Pursuant to M.G.L. c. 164, § 47A, TMLP has not opened up its service territory to retail competition and instead has an exclusive franchise service territory.

TMLP's mission is to provide safe, reliable, environmentally-sensitive electric service with competitive rates while providing outstanding customer service. To this end, TMLP purchases power opportunistically and has a diverse power supply portfolio, which includes a mix of natural gas, nuclear, hydroelectric, landfill gas, solar and renewable sources to enhance reliability. TMLP obtains its power supplies through a combination of purchases and ownership interests and entitlements.

TMLP owns and operates Cleary-Flood Generating Station, which is located in the City of Taunton. The Cleary-Flood Station currently has two units and is capable of generating 136 MW. TMLP recently completed a major overhaul of Unit 9 at Cleary Flood Station. The overhaul significantly improved performance with the station experiencing an impressive 24%

runtime during the year. TMLP's Cleary Flood Station is used in part to meet the electric needs of TMLP throughout the year.

Because TMLP is a vertically integrated utility, has an exclusive franchise service territory and is not subject to retail competition (which applies to all other municipal light plants), TMLP is able to build a power supply portfolio that layers in various energy supplies on a short, medium and life-of-unit basis. TMLP may also purchase some of its wholesale energy needs on the ISO-NE spot market. This is in stark contrast to investor owned utilities and other retail suppliers that are required to purchase their wholesale energy requirements using short term purchases only to meet Department of Public Utility-required basic service procurement requirements. With this as background, TMLP has strived to build an environmentally responsible and diversified energy supply portfolio through the acquisition of renewable energy and environmentally sensitive energy sources. TMLP recently added the output from four utility-scale solar generators to its portfolio bringing the total solar production to 12MW for TMLP customers. In addition, since 2010, TMLP has offered a rebate program to incentivize on-site solar development. In 2014, TMLP added 30 residential solar arrays totaling more than 70 residential solar arrays within TMLP's service territory. In 2015, TMLP added yet another 27 residential solar projects. TMLP also has a 4,845 KW entitlement in the New York Power Authority ("NYPA") hydroelectric project and entitlements in the Seabrook Nuclear Power Plant and various landfill gas power purchases. In addition to pursuing reliable sources of fuel and pricing throughout a diverse portfolio, TMLP reduced consumption through an increase in the number of interruptible rate customers who manage their consumption by interrupting load during peak operating hours. TMLP also has made significant progress with distributed generation efforts at its own West Water Street Station.

B. Overview of TMLP and Other Municipal Light Plants

TMLP and other municipal light plants differ from investor-owned utilities and retail suppliers in several fundamental ways. They also face unique challenges. Compared to investor-owned utilities and retail suppliers, municipal light plants are extremely small; some have only a few hundred residential customers. Municipal light plants do not have any shareholders and the funding mechanisms and resources among them also vary significantly. They also are subject to local governmental control through the appointment or election of officials that serve on a Board of Light Commissioners or by a city council or board of selectmen functioning as a Light Board. These Boards of Light Commissioners have the statutory authority and duty to establish policies and guidelines for the operation of their municipal light plants, including the procurement of power supplies, and to determine how best to participate in the renewable and clean energy market. *See* M.G.L. c. 164, §§ 55, 56.

Importantly, municipal light plants do not participate in the market of providing competitive retail electric supply. Indeed after analyzing the Department of Public Utilities' ("DPU" or "Department") level of authority over municipal light plants, the Department determined that municipal light plants should not be subject to mandatory deregulation recognizing that "because municipals are governed by local officials who are accountable to their resident customers, those elected local officials should determine the extent of the involvement

of municipal utilities in a restructured, competitive industry.” *Investigation by the Department of Public Utilities upon its own motion commencing a Notice of Inquiry/Rulemaking, pursuant to 220 C.M.R. s.s. 2.00 et seq., establishing the procedures to be followed in electric industry restructuring by electric companies subject to G.L. c. 164*, D.P.U. 96-100 (May 1, 1996). Thus, municipal light plants were not required to divest their generation and some, including TMLP, continue to own and operate generating facilities.

Given their unique position, the Legislature has consistently recognized that municipal light plants should not be subject to the same statutory and regulatory obligations as private, investor-owned utilities, including mandatory measures that promote clean energy. Notably, municipal light plant power purchases are not subject to regulation or approval by the DPU under M.G.L. c. 164, and municipal light plants are not required to solicit proposals for the purchase of renewable generation like investor-owned utilities are required to do. *See, e.g.*, St. 2016, c. 188, § 83C (offshore wind); Section 83A of the Green Communities Act as added by St. 2012, c. 209 “*An Act relative to competitively priced electricity in the Commonwealth*” (energy and Renewable Energy Credits (“RECs”) from renewable generation facilities). As the DPU has acknowledged, because of the statutory framework governing municipal light plants, the DPU ought to defer to the judgment of elected municipal officials in many matters pertaining to management of municipal light plants, specifically including contracts for power supplies. *See Newbay Corp.*, D.P.U. 265, at 18 (1994).

Moreover, the Legislature consistently has exempted municipal light plants from participation in mandatory clean energy-related programs applicable to investor-owned utilities and retail suppliers to enable them to maintain local control of their initiatives. Under M.G.L. c. 25, §§ 19 and 20, municipal light plants are exempt from mandatory charges designed to promote and require the purchase of energy from renewable energy projects. With the passage of the Green Communities Act in 2008, the Legislature preserved municipal light plant exemptions for mandatory energy efficiency and renewable energy charges as well as the exemption for mandatory RPS obligations so long as and insofar as the municipal light plant is exempt from the requirements to allow competitive choice of generation supply pursuant to M.G.L. c. 164, § 47A. *See* St. 2008, c. 169, § 32 (amending M.G.L. c. 25A, § 11F). Likewise, the Green Communities Act also exempts municipal light plants from Alternative Energy Portfolio Standards (“APS”) and power purchase obligations. *See* M.G.L. 25A, § 11F½(d). Similarly, the Legislature chose not to subject municipal light plants to mandatory net metering requirements, which are designed to promote customer-owned or operated renewable, basically solar, energy projects. *See* M.G.L. 164, §§ 138, 139. Plainly, at the time of the passage of the GWSA in 2008, the Legislature clearly and undisputedly manifested an intention through specific statutory language to exempt municipal light plants from a host of mandatory clean energy obligations and required power purchases. This entire statutory and regulatory scheme involving municipal light plants must be interpreted so as to form a harmonious whole. *See North Shore Vocation Reg. School Dist. v. Salem*, 393 Mass. 354, 358-60 (1984); *see also Vining Disposal Service v. Board of Selectmen of Westford*, 416 Mass. 35, 38 (1993).

Yet, despite the exclusion of municipal light plants from mandatory clean energy programs, municipal light plants nonetheless have made a significant impact on reducing

greenhouse gas (or “GHG”) emissions through their voluntary efforts, even though municipal light plants generally are not eligible to receive funding from the Renewable Energy Trust Fund or the Regional Greenhouse Gas Initiative (“RGGI”). Municipal light plants have acquired a significant amount of their power supplies through zero- or low-emissions sources before the CES was even conceived. As discussed in Attachment 1, municipal light plants have outperformed investor-owned utilities on a non-emitting MWh basis by 430%. Municipal light plants have purchased and acquired interests in renewable power and have entered into power supply transactions with renewable energy developers to accommodate on-site renewable energy projects in situations in which customers are not able to purchase or lease the facilities. They also offer their customers some form of net metering. However, their efforts do not fit within the CES framework designed for investor-owned utilities and retail suppliers. Many years ago, several municipal light plants entered into long-term and lifetime commitments for zero and low-emitting resources. Moreover, power supply transactions were not structured so as to allow them to acquire RECs, which is the primary means of compliance under the CES.

Accordingly, TMLP submits that it is not appropriate to subject it or other municipal light plants to the proposed mandatory CES that is designed for investor-owned utilities and retail suppliers. As the past actions of TMLP and other municipal light plants demonstrate, a mandatory CES is not needed to achieve GHG reductions. Municipal light plants already have paid for these clean energy supplies and did so without any grants or additional charges imposed on ratepayers. They should not be required to duplicate their efforts and increase ratepayer costs through a mandatory CES now. Moreover, as discussed below, MassDEP lacks the requisite statutory and regulatory authority to subject municipal light plants that have not opened up their service territories to retail competition to the proposed mandatory CES.

II. Authority to Regulate Municipal Light Plant Purchases Under the CES

The plain language of the GWSA and well-established principles of statutory construction confirm that the MassDEP lacks the requisite legal authority to impose a mandatory CES obligation on municipal light plants. Indeed, no express legislative, executive, or judicial action authorizes MassDEP to subject municipal light plants to a mandatory CES.

A. No Express Authority

The GWSA does not expressly authorize MassDEP to set emissions limits for municipal light plants and regulate their power supplies. Nor does it include any language supporting a legislative intent to include municipal light plants in mandatory initiatives. As *The Background Document on Proposed New and Amended Regulation* (“*Background Document*”) states, MassDEP relies on M.G.L. c. 21N, § 3(c) for authority to impose a CES. However, that statute does not require the development of a CES and does not provide MassDEP with express authority to regulate municipal light plants through a “sales portfolio standard.” First of all, M.G.L. c. 21N, § 3(c) only applies to purchases of power, but municipal light plants are authorized to generate their own power, which the CES does not take into account. Moreover, the statute does not reference municipal light plants but only vaguely refers to the “electric

sector” which is an undefined and ambiguous term. Nonetheless, it is evident that this term pertains to a general category and not a particular entity subject to regulation.

In addition, it is important to note that the GWSA does not contain any language that provides MassDEP with express authority to impose power purchase requirements on municipal light plants. Notably, as set forth in M.G.L. c. 21N, § 2(a) and consistent with the regulatory scheme governing municipal light plants, the Legislature only went so far as to impose a reporting requirement on municipal light plants. Specifically, that provision states in relevant part that MassDEP’s regulations shall:

require reporting of greenhouse gas emissions from generation sources producing all electricity consumed, including transmission and distribution line losses from electricity generated within the commonwealth or imported from outside the commonwealth; provided, however, that **this requirement shall apply to all retail sellers of electricity, including electric utilities, municipal electric departments and municipal light boards as defined in section 1 of chapter 164A...**

M.G.L. c. 21N, § 2(a)(5) (emphasis added). The plain wording of the statute is significant in that it only makes “this” particular “requirement” (*i.e.*, reporting) and not any other requirement of the GWSA applicable to municipal light plants. A reporting requirement is fundamentally different than imposing CES power purchase requirements on municipal light plants that would have substantial cost impacts on their ratepayers. Had the Legislature intended to subject municipal light plant power supply portfolios to regulation, it would have stated so specifically in light of long-standing statutory and regulatory treatment of municipal light plants. The Legislature “... does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions—it does not ...hide elephants in mouseholes.” See *Whitman v. American Trucking Ass’n, Inc.*, 531 U.S. 457, 468 (2001). Importantly, the GWSA does not include any other reference or provision applicable to “retail sellers” or municipal light plants. “[W]here the Legislature has employed specific language in one paragraph, but not in another, the language should not be implied where it is not present.” See *Souza v. Registrar of Motor Vehicles*, 462 Mass. 227, 232 (2012). As such, the phrase “electric sector” cannot be interpreted to authorize the regulation of municipal light plants. It is telling that municipal light plants have not even been included in the Advisory Committee established pursuant to M.G.L. c. 21N, § 8. The only representative from the “energy generation and distribution” sector is an investor-owned utility.

Last, no authority to impose a CES on municipal light plants or otherwise to regulate municipal plant energy purchases can be derived from any other source. Executive Order No. 569, “Establishing an Integrated Climate Change Strategy for the Commonwealth,” dated September 16, 2016 does not even require any energy-specific actions. Rather, it directs the Secretary of Energy and Environmental Affairs to “continue to lead on reform of regional wholesale electric energy and capacity markets to ensure that state mandates for clean energy are achieved in a cost effective manner.” The Order also directs the MassDEP to promulgate final regulations that satisfy the mandate of M.G.L. c. 21N, § 3(d) to ensure that the Commonwealth meets the statewide emissions limits mandated by the GWSA. The Order does not specifically require the MassDEP to take any actions under M.G.L. c. 21N, § 3(c) pertaining to the electric

sector. Similarly, the *Kain Decision* does not address MassDEP's authority and obligations relating to the "electric sector" under M.G.L. c. 21N, § 3(c). Thus, MassDEP's reliance on the GWSA, the Executive Order, and the *Kain Decision* is misplaced.

B. Statutory and Regulatory Scheme and Purpose of the CES Negates the Inclusion of Municipal Light Plants

The lack of any express statutory authority to impose a CES on municipal light plants is fatal to MassDEP's efforts. Although the absence of an explicit provision is not always conclusive, implied authority to promulgate such regulations still must be established. *See Massachusetts Electric Company v. Department of Public Utilities*, 419 Mass. 239, 246 (1994). Courts give special scrutiny to assertions of implied authority, which cannot be withstood here. *Id.* at 246. Based on the language of the GWSA and an examination of the statutory and regulatory scheme governing municipal light plants, no legislative intent to subject municipal light plants to a mandatory CES obligation and to power purchase obligations can be discerned. *See, e.g., Board of Gas and Electric Commissioners of Middleborough v. Department of Public Utilities*, 363 Mass. 433, 438 (1973).

The inclusion of municipal light plants in the proposed CES fails to give rise to a consistent body of law. It is well settled that statutes on the same subject matter are to be construed harmoniously so as to give rise to a consistent body of law. *See, e.g., Adoption of Marlene*, 442 Mass. 494, 500 (2005). Indeed, the regulation of municipal light plants as retail suppliers of electricity regardless of whether they have opened up their service territories to retail competition represents a sharp departure from the existing statutory and regulatory framework. Nothing in the GWSA, or even chapters 25, 25A or 164, evinces any legislative intent to subject municipal light plants to regulation as retail suppliers or to mandate their participation in one-size-fits-all programs designed to promote clean energy or other policy objectives through mandatory purchases or compliance payments. As discussed above, municipal light plants are fundamentally different than investor-owned utilities and retail suppliers. They are subject to an entirely different statutory and regulatory scheme, in which municipal light plants are vertically integrated utilities that have not been required to divest themselves of generation, purchases are not regulated in any way, and light plants are not required to participate in initiatives to promote the development of renewable and clean energy. Rather, the Legislature has deferred to municipal officials to participate in programs and initiatives that are appropriate for them based on their unique needs and challenges. Importantly, the GWSA was enacted at the same time as the Green Communities Act. The Green Communities Act makes it clear that municipal light plants are not subject to mandatory clean energy requirements, including nearly identical programs such as the RPS, and the GWSA makes it clear that municipal light plants are only subject to reporting requirements. This entire statutory and regulatory scheme involving municipal light plants must be interpreted consistently so as to form a harmonious whole. *See North Shore Vocation Reg. School Dist. v. Salem*, 393 Mass. 354, 358-60 (1984); *see also Vining Disposal Service v. Board of Selectmen of Westford*, 416 Mass. 35, 38 (1993).

In fact, imposing a mandatory CES obligation on municipal light plants would impermissibly circumvent statutory provisions exempting them from RPS requirements by basing CES compliance in large part on compliance with the RPS of which municipal light plants are exempt. The RPS is a significant component of the CES program. As the MassDEP envisions, RPS compliance would count towards CES compliance but additional clean energy

would be required to comply with higher CES requirements. “Retail sellers” also could use NEPOOL – GIS certificates to demonstrate compliance. Yet, the only realistic means of compliance, at least for many years to come, is through RECs given that existing renewable energy and existing zero/low GHG emitting purchases may not meet CES eligibility requirements for technical reasons. As such, the CES would function as a backdoor approach to imposing an RPS obligation on municipal light plants where none exists.

Further, MassDEP’s authority to regulate in-state emissions does not justify including municipal light plants in the CES. While imposing a CES on investor-owned utilities and other entities whose out-of-state purchases are regulated may be legally tenable under the overall regulatory scheme, imposing a CES on municipal light plants whose purchases are not subject to any kind of regulation is not legally supportable, particularly where achieving in-state environmental benefits does not appear to be the primary reason for creating the CES. As the Updated Climate Plan states, the purpose of the CES is to create a market-based framework similar to the RPS that could provide market incentives and could enable making investments in clean energy technologies that otherwise would not occur. Updated Climate Plan, at 94. As the Updated Climate Plan further states, a “CES might serve as a catalyst to further reduce the emissions of harmful pollutants” and “might...assist the region in becoming less reliant on imported fossil fuels and increase energy diversification.” *Id.* at 95 (emphasis added). As such, the CES represents a state policy designed primarily to create energy diversity in the region rather than to regulate in-state emissions. Against the statutory and regulatory backdrop, it is clear that the MassDEP lacks the requisite authority to regulate municipal light plant energy portfolios through the CES given that the CES is fundamentally no different, in both purpose and design, than the RPS. While the MassDEP has discretion in establishing the parameters of its authority, the court will not hesitate to overrule agency interpretations when such interpretations are unreasonable. *See Kain Decision, supra*, at 286.

It is worth noting that MassDEP’s authority to include municipal light plants in the CES has never been established much less reviewed. As set forth in the *Massachusetts Clean Energy and Climate Plan* dated December 29, 2010 (“2010 Climate Plan”), MassDEP’s legal authority to impose a CES, formerly referred to as a Clean Energy Performance Standard (“CPS”), warrants further review. As stated in the 2010 Climate Plan, the Department of Energy Resources (“DOER”) and the DPU needed to explore the legal authority for implementing a CPS, including “analysis of possible paths forward for creating a CPS, including regulatory or legislative avenues, as well as cost-benefit and implementation issues.” *See* 2010 Climate Plan, at p. 48. No legal analysis whatsoever supporting its authority to impose a mandatory CES has been presented by MassDEP or included in the Updated Climate Plan. Indeed, there is no statutory or rational legal basis to impose a CES obligation on municipal light plants to stimulate the renewable energy market, particularly given that municipal light plants are statutorily exempt and they are largely ineligible to receive benefits and funding from the Commonwealth’s Mass Save and Green Communities programs. Thus, a mandatory CES purchase obligation not only creates a *de facto* RPS obligation in violation of M.G.L. c. 25A, § 11F, but it also is inherently unfair to municipal light plants for a number of reasons as discussed below. As such, excluding municipal light plants from the CES but not the reporting requirements is the only logical interpretation based on the statutory language itself and consistency with the regulatory scheme.

See *Commonwealth v. Vega*, 449 Mass. 227, 233 (2007) (courts do not interpret statutes to produce an illogical result).

III. The Structure of the Proposed CES is Legally Flawed

A. Disproportionate Impact on Municipal Light Plants

The design of the CES itself also presents several problems. One such issue is that the proposed CES disproportionately affects municipal light plants. As MassDEP has acknowledged, the CES is “designed to be compatible with, and complementary to RPS” and importantly, the RPS standard would account for a significant portion of the CES. Specifically, as the MassDEP stated in the *Background Document*:

Importantly, the RPS standard would account for more than half of the CES standard in every year (i.e., 45% vs. 80% in 2050); thereby guaranteeing that RPS-eligible renewable energy remains the primary requirement for procuring clean energy.

However, as noted above, municipal light plants are expressly exempt from RPS requirements. See M.G.L. c. 25A, § 11F(i). MassDEP cannot legally tack on an RPS obligation through a CES, particularly where there is no separate CES market. As the following table shows, under the proposed CES, municipal light plants actually would have a higher CES obligation than investor-owned utilities and retail suppliers, which effectively creates a RPS obligation for municipal light plants in contravention of M.G.L. c. 25A, § 11F(i). Accordingly, the CES obligation for municipal light plants must be adjusted by subtracting the RPS obligation from its CES percentage requirement so as to create consistency between the GWSA and the RPS. Indeed, M.G.L. c. 21N, § 3(c) requires MassDEP to take into account the RPS, which means that the exemption applicable to municipal light plants also must be taken into account. The table below illustrates the disproportionate impact on municipal light plants and the adjustments that would need to be made to account for the RPS.

310 CMR 7.75(4)(a) Table A

Year	Retail Sellers, except Municipal Light Boards and Municipal Electric Departments	RPS Requirement For IOUs and Retail Suppliers	Difference (Actual CES Obligation for IOUs and Retail Suppliers)	Municipal Light Boards and Municipal Electric Departments	Adjusted CES for Municipal Light Boards and Municipal Electric Departments (Less RPS)
2018	16%	13%	3%	0%	0
2019	18%	14%	4%	0%	0
2020	20%	15%	5%	0%	0
2021	22%	16%	6%	7%	0

Year	Retail Sellers, except Municipal Light Boards and Municipal Electric Departments	RPS Requirement For IOUs and Retail Suppliers	Difference (Actual CES Obligation for IOUs and Retail Suppliers)	Municipal Light Boards and Municipal Electric Departments	Adjusted CES for Municipal Light Boards and Municipal Electric Departments (Less RPS)
2022	24%	17%	7%	8%	0
2023	26%	18%	8%	10%	0
2024	28%	19%	9%	12%	0
2025	30%	20%	10%	13%	0
2026	32%	21%	11%	15%	0
2027	34%	22%	12%	17%	0
2028	36%	23%	13%	19%	0
2029	38%	24%	14%	21%	0
2030	40%	25%	15%	23%	0
2031	42%	26%	16%	26%	0
2032	44%	27%	17%	28%	1%
2033	46%	28%	18%	30%	2%
2034	48%	29%	19%	33%	4%
2035	50%	30%	20%	35%	5%
2036	52%	31%	21%	38%	7%
2037	54%	32%	22%	40%	8%
2038	56%	33%	23%	43%	10%
2039	58%	34%	24%	46%	12%
2040	60%	35%	25%	48%	13%
2041	62%	36%	26%	51%	15%
2042	64%	37%	27%	54%	17%
2043	66%	38%	28%	57%	19%
2044	68%	39%	29%	60%	21%
2045	70%	40%	30%	63%	23%
2046	72%	41%	31%	67%	26%
2047	74%	42%	32%	70%	28%
2048	76%	43%	33%	73%	30%
2049	78%	44%	34%	77%	33%
2050, and each year	80%	45%	35%	80%	35%

Year	Retail Sellers, except Municipal Light Boards and Municipal Electric Departments	RPS Requirement For IOUs and Retail Suppliers	Difference (Actual CES Obligation for IOUs and Retail Suppliers)	Municipal Light Boards and Municipal Electric Departments	Adjusted CES for Municipal Light Boards and Municipal Electric Departments (Less RPS)
thereafter					

B. Failure to Credit Municipal Light Plants for Existing Clean Energy Purchases

The proposed CES also fails to take into account the fact that municipal light plants have approached power supply differently than investor owned utilities and other retail suppliers based on the statutory and regulatory schemes applicable to them. They now should not be penalized for voluntarily entering into low-carbon and carbon-free procurements. Rather, all carbon-free and low-carbon purchases should be counted regardless of acquisition date, including community solar projects, and all renewable energy purchases even though municipal light plants do not possess RECs. Municipal light plants already have entered into long-term low-emissions and renewable energy purchases despite having no legal obligation to do so. These transactions often did not include the purchase of RECs and contractually, municipal light plants have no ability to obtain them now. Nonetheless, their purchases facilitated clean energy and renewable energy development and contribute to future emissions reductions. Those efforts should not be disregarded simply because municipal light plant procurements do not meet the criteria of regulatory schemes of investor-owned utilities and retail suppliers, of which municipal light plants are exempt. Accordingly, the proposed CES would need to count all purchases and entitlements for consistency with the treatment of investor-owned utilities and retail suppliers. The CES is designed to allow investor-owned utilities and retail suppliers to receive credit for their efforts consistent with their statutory requirements, yet municipal light plants are at a disadvantage because they have not been, and are not regulated, and they had the foresight to procure low-emissions power in the past.

As discussed in Attachment 1, early reductions not only benefit the first year of reduction but also benefit future years for decades and even centuries to come. (Please also refer to Attachment 1 for a more detailed discussion of CES implementation issues with respect to municipal light plants.) Notably, fully counting the voluntary efforts of municipal light plants is consistent with the GWSA. Specifically, M.G.L. c. 21N, § 5 recognizes that early voluntary actions play a role in reducing GHG’s and requires the Secretary to report “whether entities that have voluntarily reduced their greenhouse gas emissions prior to the implementation of this chapter receive appropriate credit for early voluntary reductions.” Accordingly, MassDEP not only has the discretion to take these early actions into account, but because of the differing regulatory schemes and the environmental benefits that will be realized because of municipal light plants’ early actions, it has a legal obligation to do so.

C. The ACP Is Not a Reasonable Solution for Municipal Light Plant Compliance

The compliance mechanisms under the proposed CES are not consistent with the existing statutory scheme and do not present a reasonable solution for TMLP and other municipal light plants. At present, the only options that municipal light plants have to meet their CES obligations would be to obtain RECs or pay the ACP. Municipal light plants that have not opened up their service territories are exempt from such compliance obligations under both the RPS and APS programs. Without a clean energy attribute market and without an RPS obligation, the ACP would operate as a monetary penalty for making purchases consistent with their legal and regulatory authority. At this time, no CES market exists and there is no certainty if and when such a market will be created. Indeed, many stakeholders believe that the proposed regulations will be counterproductive to MassDEP's objectives.

Moreover, ACP payment obligations will do nothing more than increase rates and place a financial burden on municipal light plants and their ratepayers. Many municipal light plants have very limited resources. As set forth in TMLP's April 27, 2015 comments, the CES could add \$100 per year to the bill of a typical residential customer using 750 kWh per month. A CES also would have significant rate impacts even if some of the inequities of the CES were removed. Unlike investor-owned utilities and retail suppliers, municipal light plants do not earn profits. Their rates are fixed by statute and applicable law and some light plant funds only may be used for certain expenses. Accordingly, municipal light plants do not have the same resources and tools available to them to ameliorate rate shocks brought about by the CES. Given that municipal light plants already have taken significant proactive measures to reduce GHG emissions, their ratepayers should not have to bear the additional financial burden particularly where other sectors have not realized any reductions.

IV. **Reponses to MassDEP's Questions**

This section addresses the specific questions posed by MassDEP on page 28 of the *Background Document* relating to municipal light plants.

- (1) Whether ownership of and contractual relationships with low- and zero-emissions generation sources should be allowed to be used to meet the annual standard, instead of subtracting MWh associated with these contractual and ownership interests from the calculation of the number of CECs required for compliance.

Response. Municipal light plants are indifferent as to whether ownership interests associated with these contractual and ownership interests are allowed to be used to meet the standard or counted through subtraction of MWh from the calculation of the number of CECs required for compliance or low- and zero-emissions generation sources, as long as they are accounted for fully. However, the proposed regulation does not provide municipal light plants with full credit. We note that there is a significant difference between the draft 310 CMR 7.75 and the recommendation in the "Background Document on Proposed New and Amended Regulations" dated December 16, 2016 ("Background

Document”). See p. 28. In the Background Document, MassDEP indicates that it “...is proposing to allow MLPs to subtract MWh associated with these contractual and ownership interests from the calculation of the number of CECs required for compliance....” However, the proposed regulation does not fully credit municipal light plants for their low-emissions and zero-emissions power purchases and entitlements. Rather, the proposed 310 CMR 7.75 states “...municipal electric departments and municipal light boards may subtract from total annual sales any MWh associated with contractual or ownership interests that satisfy the following requirements...”. This results in a significant additional CEC required since after the subtraction from total annual sales there is a remainder to which the municipal light plant’s required CEC percentage is then applied. Additionally the proposed 310 CMR 7.75 is inconsistent with how municipal light plants have procured power and how they continue to procure power. Please refer to Attachment 1 for a more detailed discussion.

(2) Whether an ACP option is necessary, particularly for 2018 – 2020.

Response. If MassDEP deems the CES to be legally applicable to municipal light plants, which it is not, an ACP option would not be necessary for any year in which municipal light plants have no CES obligation. Also, for the reasons stated above, municipal light plants should have no compliance obligation, if at all, until they have the ability to comply with the CES through the purchase of clean energy attributes. If municipal light plants are required to purchase RECs to satisfy the CES, then the approach violates the municipal light plant RPS exemption. If compliance only can be achieved through an ACP, then it is not an option but a monetary penalty. See *Emerson College v. City of Boston*, 391 Mass. 415 (1984) (legitimate fees are paid by choice).

(3) Whether the standard for municipal light plants should always be discounted by the full amount of the RPS standard for the year. For example, under this approach if the CES in 2050 is 80%, and the RPS Class I requirement is 45%, the standard for MLPs would be 35%.

Response. Yes. Please refer to Section III A. above.

V. Conclusion

TMLP urges the MassDEP to exclude “municipal electric departments” and “municipal light boards” from the mandatory CES requirement at this time. MassDEP does not possess the requisite legal authority to include municipal light plants in a mandatory CES and their inclusion will only increase costs with no clear environmental benefit. Rather, consistent with the statutory and regulatory scheme and the unique position and challenges that municipal light plants face, they should continue to retain the flexibility to structure their own programs in furtherance of the Commonwealth’s clean energy goals based on their individual needs and resources. TMLP appreciates the Commonwealth’s clean energy efforts and objectives and would continue to implement measures on a voluntary basis, which it has done successfully in the past. MassDEP could continue to monitor municipal light plant efforts and emissions

through mandatory reporting requirements. At a minimum, the MassDEP should limit the applicability of the CES to those municipal light plants that have opened up their service territories to retail competition pursuant to M.G.L. c. 164, § 47A and should adjust the CES to create consistency with their statutory and regulatory authority and practices.

Respectfully submitted,

TAUNTON MUNICIPAL LIGHTING PLANT

By its attorneys,

A handwritten signature in cursive script, reading "Christopher Pollart", written over a horizontal line.

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November 30, 2017

Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

Subject: Review of Options for Expanding the Clean Energy Standard

Dear MassDEP,

On behalf of the Town of West Boylston's municipal lighting department (WBMLP) and its ratepayers, we thank you for the opportunity to submit comments related to the expansion of the Clean Energy Standard (CES) to include municipal utilities. Like many Massachusetts' municipal light plants, WBMLP has led the Commonwealth in promoting and investing in renewable and clean energy. WBMLP's past, current, and future owned and contracted generation portfolio places us at the forefront of the Commonwealth's efforts to transition to clean energy and we look forward to working with MassDEP on the shared objective of reducing greenhouse gas (GHG) emissions from the electric sector.

WBMLP's non-GHG emitting energy supply, as a percentage of sales, was 50.1% in 2013¹. In comparison, investor owned electric utilities and competitive suppliers reported only 8.2% and 0.1% respectively as non-emitting MWh's in 2013. WBMLP's ratepayers already pay for an existing clean energy supply that exceeds MassDEP's proposed CES standard through 2040. The ability to regulate at the local level resulted in our acquisition of significant amounts of existing non-GHG emitting energy generation at highly competitive electricity rates. By the end of 2016, WBMLP purchased 64% of its annual power supply through non-GHG emitting solar, wind, nuclear, and hydroelectric generation assets and purchase power agreements (PPA). Our local regulatory process will continue to support both renewable and clean energy because of Massachusetts' municipal light plants unique vertically integrated structure, legislative authority, and ratepayer input.

Options for Expanding the CES: The CES-E

Should ownership and contracts with existing low and zero emission generation sources be allowed to meet the CES obligation instead of subtracting from annual compliance amounts (netting).

¹ <http://www.mass.gov/eea/docs/dep/air/climate/13rsesum.pdf>

Yes, all existing CES qualified generation should meet CES eligibility no matter its size, operation date, vintage of its transmission lines, or location within or connection to the ISO-NE control area. Recognizing existing clean energy generation as eligible is not resource shuffling and nor does it create windfall profits over the long-term goal of reducing GHG emissions. All existing clean and renewable energy generation will meet the end of their useful equipment lifecycles much sooner than 2050 and will need to be replaced with new clean and renewable generation.

MassDEP needs to recognize the early environmental benefits of all existing clean energy generation that contributed to the Commonwealth's electric sector 48% reduction in GHG emissions since 1990. MassDEP cannot and should not pick winners and losers in defining CES eligible generators. Existing generation has a critical role to play in maintaining our Commonwealth's low GHG emissions especially through 2020 and 2030 timeframes. Allowing existing clean generation to qualify will provide these sources an economic incentive to remain operational through their equipment lifecycles.

WBMLP's ratepayers already pay for significant volumes of non-emitting clean energy. For example, WBMLP owns and purchases 44% of its annual energy supply from the Seabrook and Millstone nuclear power plants with contractual obligations that extend through the expected 2050 and 2045 relicensing dates. WBMLP purchases 4% of its supply from imported New York hydroelectricity and this contract extends through 2057. Various other contracts totaling approximately 13% of our energy supply extend through mid-2030. WBMLP's existing non-GHG emitting energy should meet the CES obligation and not be "net" out of those volumes. Counting our existing clean energy volumes would allow WBMLP to prepare a long-term energy strategy for additional clean and renewable energy as these contractual obligations end.

How would CES-E address MLP's relationship with existing clean generators?

Hydroelectricity is an important component of our long-term clean energy supply. WBMLP imports low-cost hydroelectricity from New York into ISO-NE for the benefit of our ratepayers. As the Commonwealth considers a plan for Investor Owned Utilities (IOUs) to purchase and import hydroelectricity from Canada, it is important to recognize that municipal light plants have already done so since 1985 through contracts we negotiated and aggressively preserve on behalf of our ratepayers. WBMLP's existing imported hydroelectricity should be allowed for use towards compliance with CES.

Nuclear power is another critical base component of our clean energy portfolio. WBMLP contractually participates in two nuclear power plants and receives a proportional share of energy from these existing clean generators. Our ratepayers paid for the development and safe operation of these plants, and presently, these assets generate a large percentage of our clean and low-cost energy. The environmental benefits of nuclear energy are just being realized, as it emits zero GHG's and is extremely reliable. All existing and new nuclear energy contracts should meet CES obligations.

Creating a CES-E would strengthen the value of energy from these clean energy sources. The CES-E would allow MLPs to create new and additional contractual obligations for CES-E qualified energy to incentivize the long-term economic value of these sources and ensure they operate through their entire lifecycles.

Options for Expanding the CES: Municipal Utilities

MassDEP requested comments on whether the originally proposed CES standard for MLPs should be discounted by the RPS obligation.

The proposed CES standard for MLPs should be discounted by the RPS obligation. MLPs are specifically exempted from the RPS requirement and legislative authority would be required to remove this exemption. If MassDEP removes the RPS component, the actual CES obligation would be 35% by 2050. WBMLP already exceeds this obligation through its exiting clean energy supply and our long-term energy supply planning would ensure continued compliance beyond 2050.

Is not allowing the use of pre-existing contracts for which REC's have been sold to third parties correct?

Municipal light plants should be able to count all purchases from renewable energy sources regardless of whether they retained the RECs. WBMLP had, and still has no RPS obligation and would have made other business decisions related to PPAs had we known that retaining the RECs would impact us today in our ability to meet CES obligations. WBMLP was instrumental in expanding renewable energy sources and creating a supply of RECs throughout Massachusetts and the ISO-NE control area. WBMLP's actions to foster renewable energy development occurred prior to the development of a proposed MLP CES. WBMLP's existing PPA's for both wind and hydroelectric projects provided a supply of RECs that are assisting the Commonwealth in reaching its renewable goals. Because of this supply of RECs, the price per REC is held to its lowest possible level and therefore minimizes the impact on ratepayers. WBMLP's ability to contractually purchase unit-contingent, long-term energy from renewable sources made those projects financeable in the first place.

What is best way to include MLPs in the CES?

The best way to include WBMLP in any CES is to recognize the statutory and regulatory governance of municipal light plants. Accordingly, municipal light plants should be excluded from a mandatory CES and they should continue to be regulated at the local level with the flexibility to develop their own programs to reduce GHGs. Local control provides the greatest investment and flexibility allowing us to best meet clean energy objectives locally. The local control approach has already proven to be successful. WBMLP and other MLPs already have made the decision locally to invest in renewable and clean sources. Some MLPs are already choosing to purchase 100% of the entire power supply from renewable and clean sources. MassDEP should exclude WBMLP from all CES obligations because, through local control, our

local officials will make decisions that promote and provide incentives for renewable and clean energy resources.

If MassDEP does include municipal light plants in the CES, as noted above, all existing renewable and clean energy purchases should be counted. In addition, the collection and use of any CES alternative compliance payments (ACP) should remain with each municipal light plant and these funds should be used solely for new renewable and clean energy generation projects. Projects built by WBMLP would ensure least cost generation and each municipal light plant could invest in the most appropriate clean energy technologies best suited for their communities and supported by their ratepayers.

MassDEP and DOER's August 2017 *Analysis of Massachusetts Electricity Sector Regulations*² (authored by Synapse, SEA and ERG) finds that there is no significant difference in emission reductions as a result of the CES compared to doing nothing. For this reason, the CES ACP for MLPs should be set at a low rate. The ACP should be determined by calculating the shortage of CES MWh's to meet the annual CES obligation, multiplied by the CES ACP rate of 0.10 (10%) times rate calculated annually by DOER pursuant to 225 CMR 14.08(3)(a)2 for that compliance year.

MassDEP designed the IOU CES obligations to increase in small annual increments. If MLPs are included in the CES, the timeframe for initially meeting a CES obligation should start in 2030 to allow most preexisting emitting and non-emitting contracts for energy to end. WBMLP also suggests an annual MLP CES obligation should be staged in blocks to reflect the larger impact that clean and renewable projects have as a percentage of our annual requirements. Because of our extensive contractual obligations, annually increasing 1-3% is not practical for WBMLP especially in the short term. It would make more sense for WBMLP to meet the obligation in 10-year stages, *e.g.*, 15% for 2030-2039; 30% for 2040 – 2049.

What are the legal and contractual issues faced by MLPs?

The application of a CES obligation on municipal light plants is not supported by the plain language of the Global Warming Solutions Act (GWSA) or mandated by the Supreme Judicial Court's "Kain" decision. The Massachusetts Department of Environmental Protection (MassDEP) lacks the legislative authority to regulate municipal light plant generation and power purchases as GWSA does not specifically authorize and never intended to impose CES requirements on municipal light plants. GWSA only imposes a reporting requirement on MLPs.

In addition, GWSA legally requires the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) to "evaluate the total potential costs and economic and noneconomic benefits of various reduction measures³". Electricity Bill Impact studies prepared

² <http://www.mass.gov/eea/docs/dep/air/climate/3dapp-study.pdf>

³ <https://malegislature.gov/Laws/SessionLaws/Acts/2008/Chapter298>

for EEA only address the cost impact on IOU ratepayers. The exclusion of municipal light plants from any of MassDEP's cost impact studies to date supports our position MLPs were not intended to be included in a CES. If a CES is imposed on municipal light plants, WBMLP requests that EEA prepare a cost impact study for WBMLP's ratepayers in advance of requiring CES purchases or contracts on their behalf.

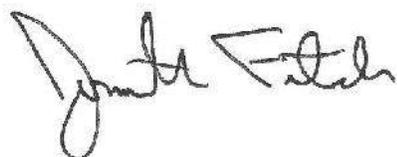
WBMLP is contractually obligated to purchase through ownership contracts and long-term PPAs a volume of generation that represents a majority of our annual energy supply. More than 62% of WBMLP's long-term energy portfolio is composed of existing clean energy supply obligations that extend beyond 2030. Only a small percentage of our annual energy supply is fulfilled through ISO-NE day-ahead and real-time energy market purchases. The ability to own generation and execute long-term energy supply contracts is one of many distinct features that differentiate municipal light plans from distribution companies or IOUs.

Because of our long-term power supply contracts, it is not fair to our ratepayers to impose a CES on WBMLP or to exclude WBMLP's existing low and zero GHG emitting generation assets from qualifying under a CES program. If CES regulations apply to municipal light plants and CES regulations exclude existing clean energy generation, WBMLP would be forced to either purchase additional volumes of CES qualified energy, purchase CEC's, or, make alternative compliance payments. Either option will significantly increase the cost of electricity to our ratepayers.

Conclusion

On behalf of WBMLP's ratepayers and for the various reasons outlined in this letter, please consider our concerns and requests regarding the proposed CES regulations.

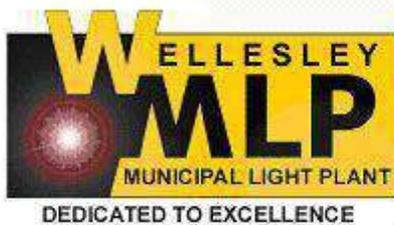
Sincerely,

A handwritten signature in black ink, appearing to read "Donald Fitch". The signature is written in a cursive, flowing style.

General Manager



Portfolio Emissions Evaluation



Wellesley Municipal Light Plant

Energy New England, LLC
100 Foxborough Boulevard,
Suite 110
Foxborough, MA 02035

October 31, 2017

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A. Executive Summary

The Wellesley Municipal Light Plant (“WMLP”) requested that Energy New England (“ENE”) compare its power supply greenhouse gas emissions from 2007 to today’s portfolio. For the first three calendar quarters of 2007, WMLP was served by an “All Requirements” contract with Constellation Energy. This provided all of WMLP’s needs aside from its entitlement in hydropower from the New York Power Authority, which equates to 3-4% of WMLP’s annual energy needs. ENE began tracking WMLP’s settlement data in the fourth quarter of 2007, and assumed the Constellation contract provided a New England Power Pool (“NEPOOL”) average emission profile. We have also used average regional emissions for WMLP’s current open position to the wholesale market.

ENE utilized WMLP’s annual Department of Public Utilities of Massachusetts report for retail sales data as well as WMLP’s Green House Gas Reports for Renewable Energy Credits (RECs) for non-emitting MWH totals. Emission rates for each year can be found in ISO-NE final emission reports for each year.¹ ENE focused on the ISO’s method of average system emission rates for the CO₂. Given there are other components of GHG such as CH₄ and N₂O, EPA states “in the U.S., CO₂ emissions represent more than 99 percent of the total CO₂-equivalent GHG emissions from all commercial, industrial, and electricity generation combustion sources CO₂ emission rates.”²

ENE’s forecast not only shows WMLP increasing their renewable portfolio but also reducing energy consumption. From 2007 to 2017 the retail sales load data decreased 1.1%. The forecast for 2018 is a reduction of 2.6% from 2017. ENE assumed that WMLP’s sales would decrease due to energy efficiency and solar projects. The renewable increase is due to renewable energy credit (REC) retention. Below in Table 1 ENE has made assumptions that WMLP will retain all

¹ https://www.iso-ne.com/static-assets/documents/genrtion_resrcs/reports/emission/

² https://www.epa.gov/sites/production/files/2016-03/documents/stationaryemissions_3_2016.pdf

Portfolio Emissions Evaluation – Wellesley Municipal Light Plant

the wind and hydro RECs for both 2017 and 2018. The large increase from 2017 to 2018 is the Canton Wind project beginning in 2018. With WMLP increasing their REC portfolio it has helped reduce the carbon emission for their portfolio.

Table 1 WMLP Retail Sales and REC/Attribute Retention

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Sales (MWH)	246,127	242,810	236,468	243,556	239,564	243,044	247,319	243,491	245,029	238,855	243,361	237,000
NYPA	10,880	11,434	9,303	8,518	8,671	9,281	8,996	9,727	10,601	10,854	10,880	10,880
Spruce MT					372	5,736	7,276	7,664	6,629	4,171	6,557	7,740
Saddleback MT								76	1,281	3,448	6,281	6,461
Canton MT												5,239
MILLER											7,444	6,941
Less Renewable	(10,880)	(11,434)	(9,303)	(8,518)	(9,043)	(15,017)	(16,272)	(17,467)	(18,511)	(18,473)	(31,162)	(37,261)

Show below in Table 2 ENE compares CO₂ emission reduction for WMLP by assuming 100% REC retiring vs. retiring the voluntary REC program amount plus Miller RECs.

If WMLP retires 100% of all their wind and hydro RECs from 2007 to 2017 the reduction would be 25.5% and 29.9% for 2018. ENE assumed the 2016 voluntary program REC amount for 2017 and 2018. If WMLP maintains the same REC amount as the 2016 for their voluntary program plus NYPA and Miller RECs, the estimated reduction in 2017 would be 23.7% and 25.8% for 2018.

Table 2 WMLP’s carbon reduction from 2007 to projected 2017 and 2018

Assuming 100% REC Retention in 2017 and 2018				Assuming 2016 Voluntary REC Amount Retention in 2017 and 2018 plus NYPA and Miller RECs			
	2007	2017	2018	2007	2017	2018	
Sales (MWH)	246,127	243,361	237,000	246,127	243,361	237,000	Sales (MWH)
Less Renewable	(10,880)	(31,162)	(37,261)	(10,880)	(25,943)	(25,440)	Less Renewable
Pool Purchase	235,247	212,199	199,739	235,247	217,418	211,560	Pool Purchase
CO₂ rate (lb/MWH)	905	747	747	905	747	747	CO₂ rate (lb/MWH)
CO₂ Emission (sTons)	106,449	79,256	74,603	106,449	81,206	79,018	CO₂ Emission (sTons)
YoY		-25.5%	-29.9%		-23.7%	-25.8%	YoY

B. Emission Calculation

ENE chose to calculate WMLP’s emission rates using ISO-NE’s yearly ISO New England Electric Generator Air Emissions Report. Although the report is published on a two year lag the methodology used to create the emission rate best suits WMLP’s portfolio emission estimates. The ISO uses a total system emission rate calculation method. It is based on the emissions by all the ISO New England generators during a calendar years’ worth of production. They use actual run time for on and off peak generation at the emission rate for each month. The emission rate uses reported CO₂ from actual US EPA’s Clean Air Market Division (CAMD) database, the Clean Air Interstate Rule (CAIR) and the Regional Greenhouse Gas Initiative (RGGI); lastly for those units that information is not available they use the system information from the annual emission rates from EPA’s eGRID.

All units that are dispatched are included in the emission rate calculation. The calculation is:

$$\text{Annual System Emission Rate (lb/MWh)} = \frac{\text{Total Annual Emissions (lb) all generators}}{\text{Total Annual Energy (MWh) all generators}}$$

Using ISO data is important because not all generation is operational at the same or all of the time. The ISO tracks the air emissions from the NE system Grid while taking into consideration:

- Forced and scheduled maintenance outages
- Fuel and emission allowance costs
- Imports and exports to and from NE region
- System energy consumption
- Water availability, etc.

These considerations are significant factors that separate ISO emissions verses eGRID’s methods. EPA’s eGRID states “Emissions and emission rates in eGRID represent emissions and rates at the point(s) of generation . . . they do not take into account any power purchases, imports, or exports of electricity into a specific state or any other grouping of plants, and they

do not account for any transmission and distribution losses between the points of generation and the points of consumption. Also, eGRID does not account for any pre-combustion emissions associated with the extraction, processing, and transportation of fuels and other materials used at the plants or any emissions associated with the construction of the plants.”³

C. Portfolio and Trends

Figure 1 shows the fuel mix in the ISO New England control area in 2006 compared to 2015. We use 2015 as it is the most recent period for which the ISO regional emissions report is available. Coal has decreased the most over the period, dropping from 15% to 4%. Oil generation was cut in half from 4% to 2%. This has resulted from a combination of tightening emission requirements, relatively higher operating and maintenance expenses of solid fuel and older thermal generating facilities compared to natural gas ones, and market forces, namely low natural gas prices over the past several years. The latter is due to the merchant generator boom that occurred in the late 1990’s and early 2000’s, resulting in the building out of thousands of MW of high efficiency, natural gas fired generating capacity. This moved natural gas to become the dominant marginal fuel in New England, where it now sets the marginal wholesale electricity price 60% of the time or more. This means that all generating technologies’ fortunes are affected by the price and availability of natural gas.

³ https://www.epa.gov/sites/production/files/2017-02/documents/egrid2014_technicalsupportdocument_v2.pdf

Figure 1 Percentage energy generation by fuel type 2006 to 2015⁴

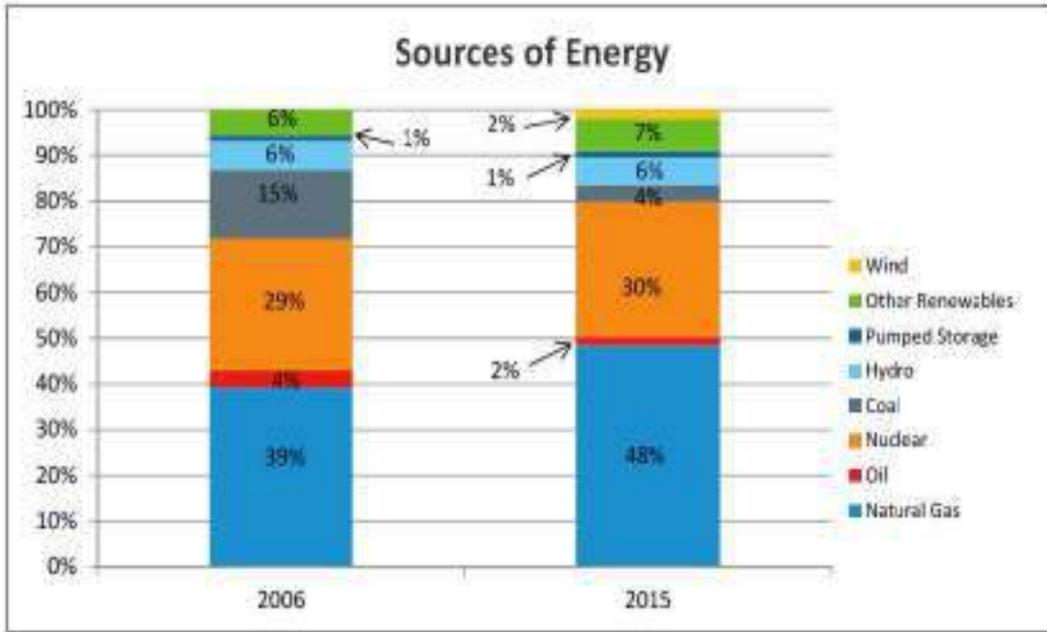


Table 3 shows New England’s average yearly CO₂ emission rates. Following the build out of merchant, gas fired generating capacity in the late 1990’s and early 2000’s, these rates continue to trend downward slightly as the underlying resource mix changes with less reliance on coal and oil generation. These rates were used to determine WMLP’s supply emission profile for its open position and bilateral commodity energy contracts since these purchases are not tagged to a particular generator.

Table 3 Regional Annual CO₂ Emissions in lb/MWH

Annual System (NE)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
CO ₂ Emission lb/MWH	905	890	828	829	780	719	730	726	747	747	747	747

⁴ https://www.iso-ne.com/static-assets/documents/2017/01/2015_emissions_report.pdf

WMLP’s current power supply portfolio is made up of a number of entitlements and contracts. This includes hydropower from the New York Power Authority (NYPA), landfill gas, run of river hydro, wind, gas fired peaking resources and spot market purchases.

Figure 2 WMLP's CO₂ Emissions and Carbon Free Portfolio

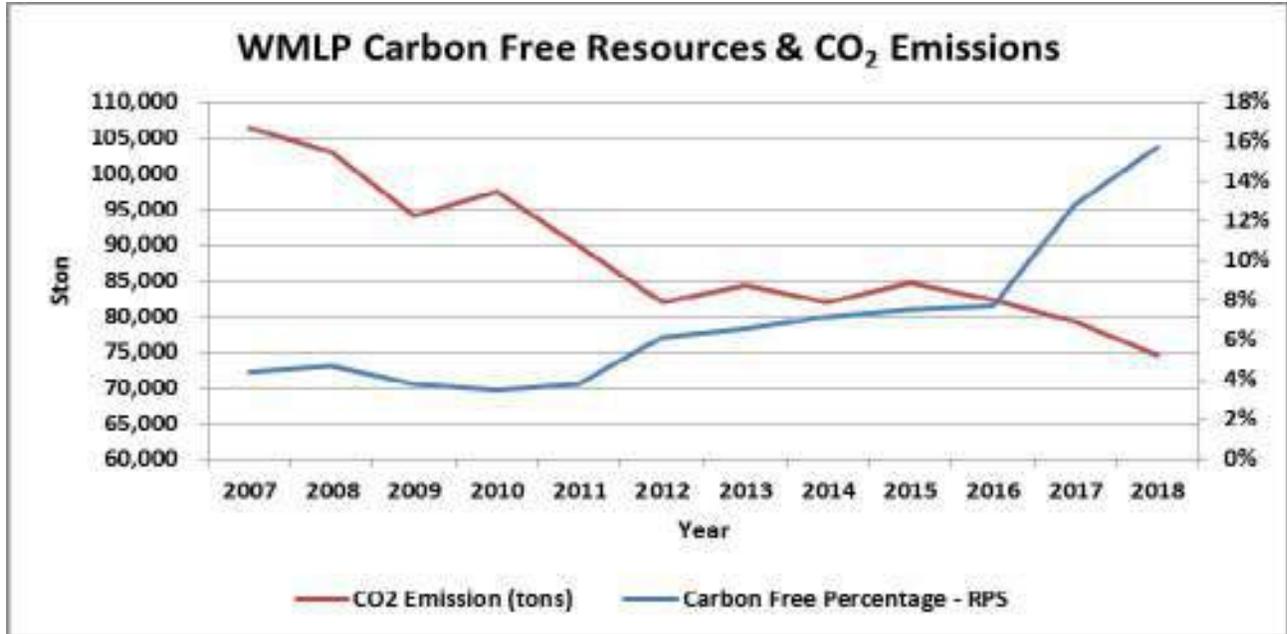


Figure 2 above shows WMLP’s portfolio greenhouse gas emissions of about 106,000 tons CO₂ in 2007, which dropped to around 85,000 in 2015. Our projection for 2018 shows a little less than 75,000 tons. WMLP increased their renewable portfolio by executing contracts with two wind projects, Spruce Mountain and Saddleback Ridge, and one run of river, Miller Hydro. These three contracts include renewable attributes. By retiring the attributes, the contribution of CO₂ has declined by 15.5% from 2007 to 2011, and an additional reduction of 5.3% from 2011 to 2013. Beginning in 2018 Canton Mountain Wind will add to WMLP’s carbon free portfolio.

Over the 2007-2015 period for which regional emissions information is available, average regional emissions dropped by 17.5%. Over the same period, WMLP’s portfolio carbon emissions dropped 20.5%. We carried the 2015 regional emissions data forward to show the

Portfolio Emissions Evaluation – Wellesley Municipal Light Plant

impact of further WMLP clean energy contracting. This shows 2007-2018 regional reductions of 17.5%, with WMLP's carbon emissions dropping by nearly twice that amount, or 29.9% as seen below in Figure 3. WMLP has increased the number of RECs retired from the wind projects along with load reduction by energy efficiency projects and solar resources.

Figure 3 WMLP Portfolio CO₂ changes vs. the New England grid

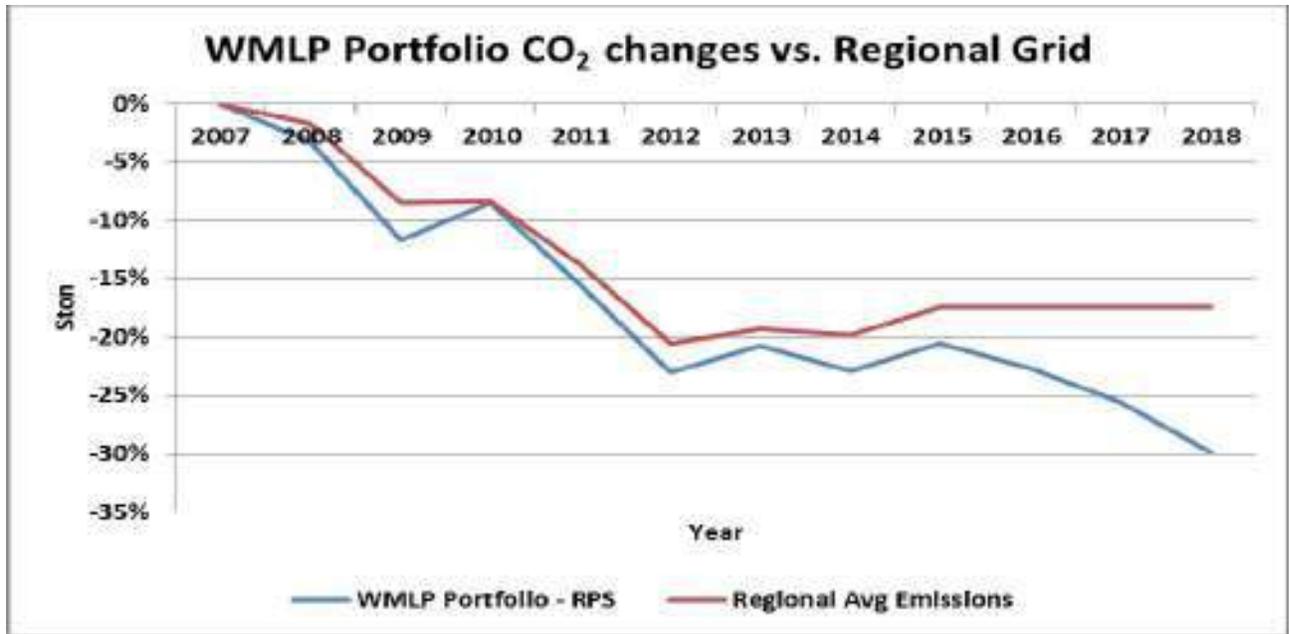
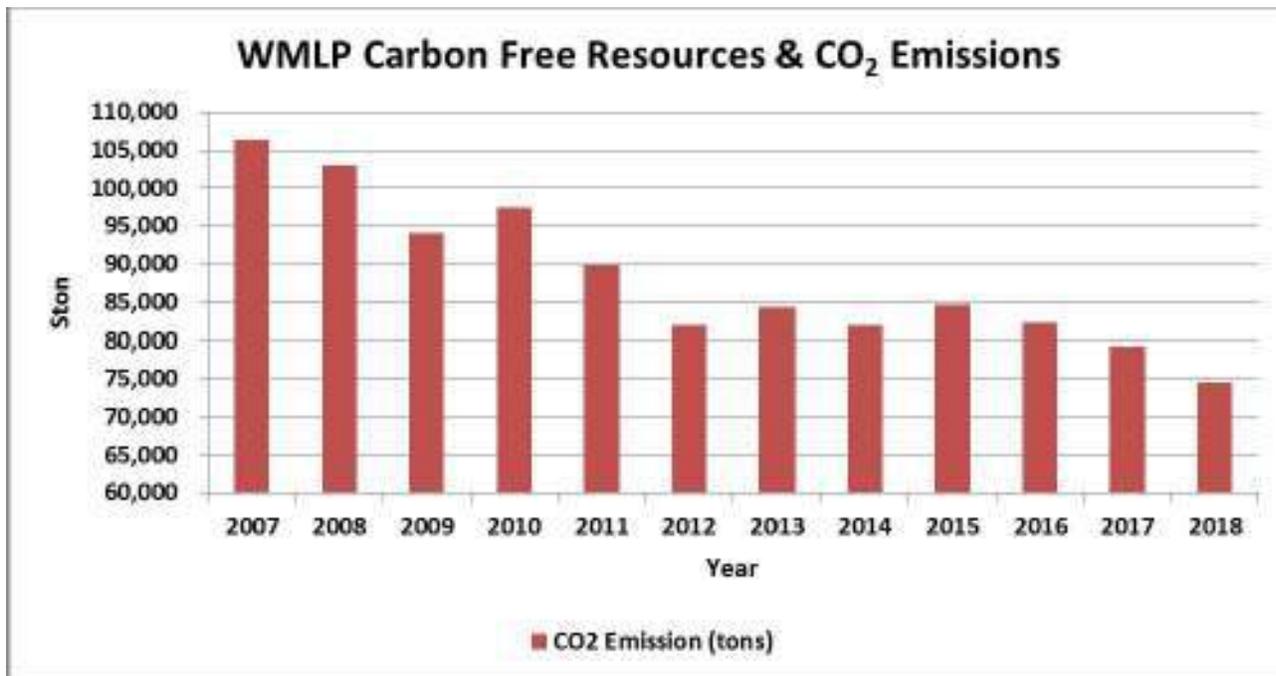


Figure 4 below represents WMLP's forecast of carbon reduction against the 2007 levels. Here we can see the increase of renewable portion of the portfolio as well as the load forecast reduction due partly to energy efficiency within WMLP's system.

Figure 4 WMLP’s Carbon Reduction



Importantly, this includes participation in the Spruce Mountain, Saddleback Ridge, and Canton Mountain wind projects. In these cases, WMLP, along with a group of municipal utilities, agreed to purchase all attributes from the project, including energy, capacity, and RECs. Irrespective of what happens to the RECs after they are generated, these purchase power agreements allowed the developer to obtain financing, construct and operate the projects. Participation in the Canton Mountain wind project, which is presently in construction and expected to enter commercial operation in late 2017, will increase WMLP’s renewables by 3%. When completed, the three wind projects WMLP participates in will produce up to 77 MW of power, and will produce around 260 million KWH annually, which is around 4% higher than all energy consumption in WMLP’s territory.

Over the same period, WMLP has also pursued run of river hydro and landfill gas energy. The contract for the run of river hydro energy from the Miller Hydro facility in Maine, has allowed the 19 MW facility to remain operational in a low commodity cost environment. The same can be said for the Granby landfill contract, where landfill methane is collected, processed, and burned in reciprocating engines. This combustion process reduces the greenhouse gas impact

Portfolio Emissions Evaluation – Wellesley Municipal Light Plant

on the order of twenty five times compared to allowing the landfill methane to leach into the atmosphere. It also extracts useful work from the landfill gas as opposed to flaring it locally.

Figure 5 and Figure 6 below illustrate WMLP's move to diversify its portfolio by adding green energy resources to its mix. In the eleven years shown, WMLP's clean energy component has increased from around 4% to 15% of its portfolio, once the Canton Mountain wind project enters operation.

Figure 5 WMLP Portfolio Resource Mix 2007-2018

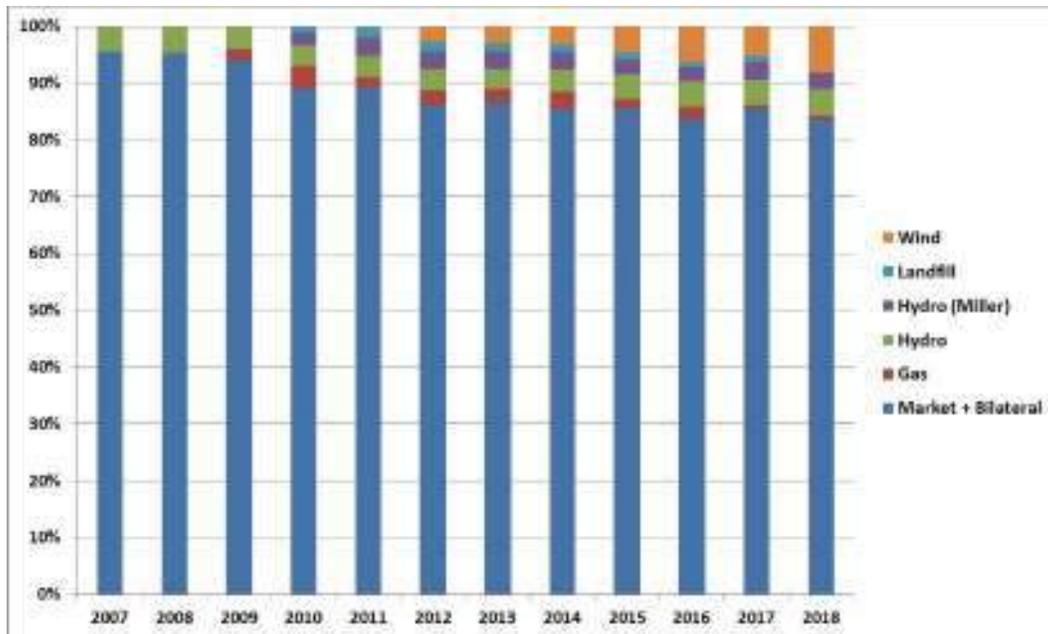
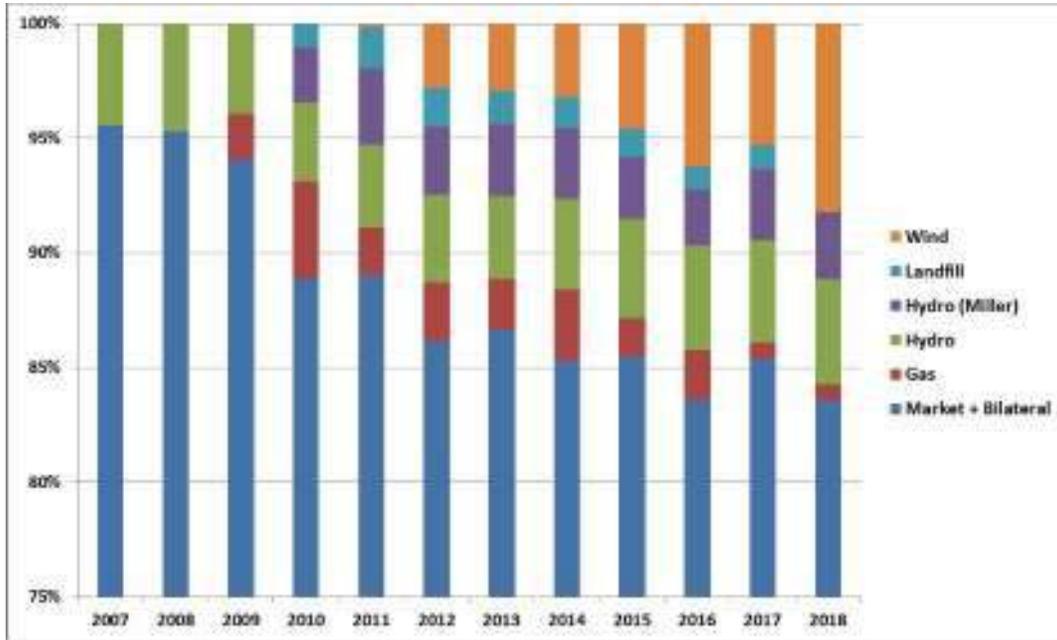


Figure 6 WMLP Resource mix 2007-2018 exploded to illustrate project participation



D. Summary

As presented in this evaluation, carbon emissions in WMLP’s power supply portfolio has dropped by almost twice the regional average between 2007 and 2018. 2017 and 2018 include forecasted data, with the assumption of REC retention of the total wind output. In the last 10 years WMLP has migrated from a virtually single source all-requirements supply arrangement to an actively managed portfolio. Around 1/7th of its supply is now directly sourced from carbon free resources, keeping pace or exceeding goals of the Commonwealth without a regulatory mandate to do so. In 2018 Canton Wind project is forecasted to be commercial and therefore boosts WMLP wind generation by the equivalent 3% of its retail sales, or up to 6,000 MWH annually.

Going forward, WMLP will have the opportunity to continue to evaluate and pursue power resources that balance carbon intensity with cost and rate impact to its customers. This will

include the potential to renew and extend its intermediate term purchase agreements for run of river hydro power and landfill gas energy. Other opportunities under review include base load contracting with existing carbon free resources at market prices. Further, WMLP is reviewing opportunities to add additional wind energy to its portfolio. Other alternatives include balancing contracts with large hydropower owners such as Brookfield Renewable Energy Marketing and First Light Power Resources, where hydro energy can be contracted to balance the intermittent nature of wind production. This balancing will enable WMLP to add even more renewable energy to its portfolio in a reasoned manner to avoid having too much energy under contract at times of high wind production and to avoid having higher spot market exposure (and its higher carbon profile) when wind production is low. Last, while the new solar market program does not include municipal light plants like WMLP, discussions are ongoing with solar developers to evaluate contracting opportunities in a post solar-REC environment.

Future power supply purchases and voluntary renewable program will affect WMLP's portfolio CO₂ profile. ENE will assist WMLP in evaluating future renewable generation and power resources to further reduce the carbon footprint of WMLP's supply portfolio.



About ENE

Energy New England (ENE) was founded in 1998 to enhance the competitive position of public power entities in response to deregulation and to attain operating efficiencies in energy risk management and retail account management. We are a municipal light plant cooperative established under Chapter 164, Section 47C of the Massachusetts General Laws. Our ownership is made up of light departments in Braintree, Taunton, Concord, Hingham, and Wellesley, Massachusetts.

ENE is the largest wholesale risk management and energy trading organization serving the needs of municipal utilities in the northeast. We currently manage the power supplies of over twenty municipal electric systems serving more than 1100 MW of electric load and more than 550 MW of generation in all six New England states. We advise on and/or conduct more than one billion kilowatt hours in wholesale power transactions and 100-150 million kilowatt hours in retail transactions annually. We also manage up to 250,000 therms of natural gas per day within our customers' portfolios, as well as up to 5,000 barrels per day of fuel oil.

ENE works with numerous businesses, residents and utilities to help promote the principles of conservation, efficiency, and environmental stewardship, and advances the many benefits available through integrated sustainability planning. The ENE service portfolio encompasses the 4 C's of sustainability: Conservation, Carbon Mitigation, Commodity Services, and Clean Technologies.

MUNICIPAL LIGHT BOARD

DAVID A. T. DONOHUE, CHAIR
PAUL L. CRISWELL
OWEN H. DUGAN
KATHARINE GIBSON
EDWARD J. STEWART, III

TOWN OF WELLESLEY
WELLESLEY, MASSACHUSETTS 02481



MUNICIPAL LIGHT PLANT

RICHARD F. JOYCE, DIRECTOR
4 MUNICIPAL WAY
WELLESLEY, MA 02481-2431
781-235-7600
FAX 781-489-2154

To: Board of Directors, Wellesley Municipal Light Plant
CC: Staff of the WMLP, Residents of Wellesley and Customers of the WMLP
Re: WMLP's Position Regarding Proposed DEP Regulations;
WMLP's Purchase of Renewable Power
WMLP Activities in Support of Town Greenhouse Gas Emission Reduction Goal

Date: June 26, 2017

Issues:

By way of background, in 2008 the Commonwealth of Massachusetts enacted two pieces of legislation – the Green Communities Act and the Global Warming Solutions Act -- to mitigate the effects of human-caused climate change. Both Acts were intended, among other things, to promote the generation and purchase of energy from renewable sources.

Under the Green Communities Act, the Department of Energy Resources issued Renewable Energy Portfolio Standards ("RPS") that apply to investor owned utilities ("IOUs"). The RPS bases much of its requirements on how many renewable energy certificates ("RECs") the IOU purchases and does not resell ("retires"). Developers of post-1997 generation from solar, wind, small hydro, marine and some other sources are awarded one REC for each megawatt hour of electricity produced. The Green Communities Act requires IOUs to purchase and retire RECs in annually increasing amounts through 2020. The Commonwealth's Municipal Light Plants are specifically exempt from the RPS.

Under the Global Warming Solutions Act ("GWSA"), the legislature directed the Massachusetts Department of Environmental Protection ("DEP") to promulgate regulations designed to achieve an 80% reduction below 1990 levels in statewide carbon emissions from all sources by 2050. Unfortunately, the DEP determined that it was only required to set 'aspirational targets' under the GWSA, not hard and fast requirements. Numerous organizations and individuals brought suit against the DEP, with the matter finally being settled by the Massachusetts Supreme Judicial Court ("SJC") in *Kain v Department of Environmental Protection*¹. The SJC stated that it was "clear and unambiguous" that the Act stated that the DEP "shall promulgate regulations establishing a desired level of declining annual aggregate emissions limits," and the SJC directed the DEP to comply with the legislative mandate.

¹ As has been pointed out, two Wellesley High School students, Olivia Gieger and Shamus Miller, were among the plaintiffs.

For the electric utility industry the DEP has attempted to do so in a set of proposed “Clean Energy Standards” (“CES”), 310 CMR 7.75.² Significantly, in the new set of regulations, the

DEP decided to include, for the first time, the Commonwealth’s forty Municipal Light Plants within its regulatory mandate. It has proposed annually increasing requirements for the MLPs to purchase power from non-emitting sources. The requirements on the MLPs do not commence until 2021 and begin at a significantly lower level than that required of the IOUs, with the two standards converging only in 2050.

The DEP issued a Notice of Public Hearing on December 16, 2016, with public hearings to be held in February 2017. The Wellesley Municipal Light Plant participated in submitting two sets of comments during that time, (1) as a named commentator, together with several other Light Plants, in a document submitted by John Coyle of Duncan & Allen and (2) as a member of the Municipal Electric Association of Massachusetts, in comments submitted by Ferriter, Scobbo & Rodophele. Both of those sets of comments argued that the plain language of the Global Warming Solutions Act exempted the Commonwealth’s Municipal Light Plants from the proposed DEP regulations. Rather, the Act very plainly directed the DEP to impose these regulations only on the IOUs. Furthermore, the comments argued that the proposal to extend the regulations to Municipal Light Plants was unprecedented, unnecessary and unwise.

On April 17, 2017 approximately 45 Wellesley residents delivered a letter to the WMLP Board protesting the WMLP’s position regarding these proposed standards. They argued that the WMLP must submit to the jurisdiction of the DEP, as the DEP regulations were the only way for the Commonwealth to meet its clean energy goals. A copy of this letter is available in the minutes of the April 19, 2017 WMLP Board Meeting. Furthermore, the letter requested that the WMLP be more transparent and open with regard to its sustainability activities. In particular, the letter requested that the WMLP

1. Rethink its support for any attempt to exempt our MLP from the Global Warming Solutions Act and the proposed Clean Energy Standard.
2. Provide the community with specific information on the sources of energy supply purchased by the MLP, including details about current renewable energy purchases, the sale of RECs, and the yearly carbon emissions attributable to MLP electricity purchases for years 2007 through 2016.
3. Provide the community with details about actions taken, or planned, to support the goal established by Wellesley Town Meeting to reduce Town-wide carbon emissions 25% below 2007 levels by 2020.
4. Work with stakeholders in the community to develop a detailed plan and time frame for how the Wellesley MLP energy supply can achieve the proposed Clean Energy Standard.

² The proposed Clean Energy Standard includes non-carbon-emitting energy sources such as nuclear and large-scale hydro imports from Canada as well as the renewable energy sources recognized under the RPS.

It went on to state that, “[w]e hope that by working together we can make Wellesley a proud leader in the Commonwealth’s urgent and essential transition to renewable energy.”

In the days following the April 19th Board Meeting, the WMLP Board committed to (1) provide a written response to the letter, to be issued, if possible, at its May 30, 2017 Board Meeting and (2) begin an open public dialogue to be transparent with regard to its sustainability activities.

1. Introduction

First and foremost, the Board of the Wellesley Municipal Light Plant emphatically wishes to assure our residents and customers that we value and welcome any and all constructive input into our philosophy and activities. We take all public comments and input seriously and, while we may agree or disagree, we do so after careful consideration and with due respect for the opinions of all of our constituents. We particularly welcome input with regard to the Light Plant’s activities regarding energy conservation and sustainability. By issuing this Memo, the WMLP seeks to explain its position and philosophy and bring to better light the activities that it has pursued in support of conservation and sustainability.

The WMLP’s mission is described thusly on its home page:

MISSION

The mission of the Wellesley Municipal Light Plant (“WMLP”) is to establish a safe working environment for its employees and to provide, subject to applicable laws and regulations, reliable and efficient electric power at fair, reasonable and competitive rates to its ratepayers, and to provide benefits to its owner, the Town of Wellesley. (emphasis added)

We believe that our safety record speaks for itself, as we have enjoyed several multi-year periods of zero lost-time accidents. Our electric rates are consistently 10-40% lower than those offered by IOUs in surrounding towns. Our system reliability is the envy of residents in surrounding towns. And, we annually provide to the Town of Wellesley a payment of one million dollars.

We on the Municipal Light Board, however, consider another set of benefits to be equal to, if not more important than, the benefits listed above. As an electric utility, we believe we have a special mandate to help the inhabitants of the Town of Wellesley (and the rest of the earth) reduce the effects of human-created global climate change. As such, we actively assist the Town of Wellesley to achieve the Town-adopted goal to reduce greenhouse gas emissions.

We do so through a multi-pronged approach.

- (1) We seek to purchase power from sources increasing in their sustainability and we seek to obtain ever greater amounts of power from fully renewable sources.

(2) We sponsor or participate in programs to allow residents to conserve power, such as the More Power to Choose residential solar program, rebates for the purchase of energy efficient appliances and 100% net metering of residential solar power.

(3) We sponsor and fund programs to allow the Town of Wellesley to be more efficient in its energy consumption.

The next section of this Memo will describe our philosophy regarding the importance of local control over the Municipal Light Plant. Following that this Memo will describe and discuss some of the initiatives described above.

2. The Paramount Importance of Local Control

Throughout the years, the Board of the Wellesley Municipal Light Plant has been unwavering in its support of the primacy of local control, free from the top-down directives from the state or Federal government. We strongly believe that local control of its electric utility is an incredibly valuable asset to the Town of Wellesley. This local control has allowed the WMLP to build an electricity distribution system that is, at the same time, both far less expensive and far more reliable than those built by the regulated IOUs. And significantly, it has also allowed us to take immediate, aggressive and creative steps to help the Town reduce its carbon footprint and promote a sustainable power system.

As such, the Board of the Wellesley Municipal Light Plant is unanimous in its continued support of the positions that it submitted in the DEP's regulatory hearing³. We believe that true leadership in the march toward sustainability will come from the grass roots level, from the citizens of Wellesley, not from a top-down, one-size-fits-all set of state regulations.

Consider, for example, the actions of the WMLP and the DEP since the passage of the Global Warming Solutions Act:

The WMLP took its direction from the actions of the Wellesley Town Meeting, which, in 2009 approved a recommendation that the Town aspire to a 10% reduction in greenhouse gas emissions by 2013. Town Meeting revised that goal in 2014 to seek to achieve a 25% reduction by the year 2020. Since 2009, the WMLP has funded over \$1.5 million in energy efficiency initiatives for the Town Government, co-sponsored and funded a \$115,000 rebate initiative to

³ In this regard, it is important to note that in its Notice of Public Hearing, the DEP stated that "Mass DEP will accept written comments until 5:00 PM on February 24, 2017." The Massachusetts Administrative Procedures Act, as interpreted by the Department of Environmental Protection at 310 CMR Part 2, provides that written comments may only be submitted within ten days of the date of the public hearing. The Commonwealth's Regulation Manual at page 3, provides that Public Hearings must contain "the deadline for accepting comments; (Deadline must have specific date/time and not a general statement such as "by close of business")" Therefore, despite what we have heard of informal assurances from the DEP about "considering anything," we find it hard to believe that the DEP would be willing to contradict state law and its own regulations. Regardless of the close of the comment period, however, we will address this issue on the merits, as we believe it is an important issue to clarify.

promote residential solar and increased its own participation in the Voluntary Renewable Program to 100%. Moreover, without the mandate of state regulation, it has entered into 20-year power purchase agreements with three different wind-generation facilities. Two of those facilities, Saddleback Mountain Wind and Spruce Mountain Wind, are already on line. The third, Canton Mountain Wind, is expected on line in December 2017. When Canton is on line, the WMLP will be purchasing approximately 16.6% of its energy portfolio from renewable energy sources.⁴

In the meantime, the DEP promulgated ‘aspirational targets’ in response to the GWSA, then defended its actions all the way to the Supreme Judicial Court. After being roundly criticized by the SJC, the DEP took another stab at drafting regulations. It may be that these regulations will come into effect this summer, in 2017, fully eight years after the passage of the GWSA. So the argument that the WMLP should be following the ‘leadership’ of the DEP simply does not make sense. While the DEP was defending its aspirations in court, the WMLP was taking decisive and effective action.

The WMLP Board has considered the arguments that have been put forth by various organizations (and which were stated in the letter received by the WMLP) as to why the Municipal Light Plants should submit to the jurisdiction of the DEP. The arguments seem to take one of three flavors: (1) that the Municipals should be held to the same standards as the IOUs, (2) that if the Commonwealth is to achieve its renewable energy goals, it must include, under DEP regulations, the 15% of the Mass electrical market that is served by the Muni’s and (3) that it is “only fair” that the Municipal Light Plants be treated the same as the Investor Owned Utilities. With regard to the first argument, it is important to note that even the DEP’s own proposed regulations do not hold the Municipals to the same standards as the IOUs. That is simply not something that is on the regulatory table. With regard to the second argument, as has been established in many of the comments submitted in the DEPs proceeding, many Municipal Light Plants already exceed the DEPs proposed standards for Municipal Light Plants applicable to the decade beginning 2020⁵. So it is not ‘necessary’ that the DEP take regulatory control over the Municipals in order to achieve the Commonwealth’s sustainability goals. In fact, if the Municipals were to adhere to those regulations, it would in many cases be a step backward. Finally, it is not ‘only fair’ to equate municipally-owned utilities with investor owned utilities. Investor owned utilities exist to make a profit for their shareholders. They are bound, by fiduciary duty, to maximize the return to their shareholders. They meet the letter of the law and regulations, and nothing more. They do not have the authority to voluntarily go beyond what they are required to do. The Wellesley Municipal Light Plant, by contrast, exists by and for the benefit of the residents of Wellesley. Our actions in support of sustainability have been directed and guided by the declarations of the Wellesley Town Meeting, the requests and actions of other Town Departments and the input of its citizens. And while we believe very strongly that the

⁴ The WMLP Board understands that there is controversy over this number because of the WMLPs practice of selling some of the RECs from these renewable sources. This Memo addresses that issue below, but suffice to say that, since this is a *future* issue, the WMLP could resolve this issue in its entirety by adopting a practice of retiring all of the RECs it purchases. See discussion *infra*.

⁵ In fact, the June 2016 MassDEP GHG Reporting Program Summary Report for Retail Sellers of Electricity Emissions Year 2013 shows, in Figure 3, that the municipal light plants, as a group, already obtained 19% of their electricity from non-emitting sources.

residents of Wellesley want us to aggressively pursue sustainability, we do not believe that the citizens of Wellesley want us to surrender local control of the Light Plant.

3. The WMLP's Renewable Sources of Power

In discussing the WMLP's use of renewable energy sources, it is important to understand how the WMLP engages with renewable facility operators. As stated in Director Katharine Gibson's presentation to the Sustainable Energy Committee in early May, the WMLP currently purchases electricity from a bio-mass landfill, two hydro projects and two wind farms, and also has a contract to purchase electricity from a third wind farm expected to begin production late in 2017.

WELLESLEY MUNICIPAL LIGHT PLANT PORTFOLIO

Power Supply in Megawatt Hours

	Fiscal Year 2016		Calendar 2018 projected	
	MWH	Percent	MWH	Percent
Brown Bear Hydro	6,789	2.8%	6,789	2.7%
New York Hydro	10,880	4.4%	10,880	4.3%
Granby Landfill	2,721	1.1%	2,721	1.1%
Spruce Mountain Wind	7,868	3.2%	7,868	3.1%
Saddleback Mountain Wind	6,536	2.7%	6,536	2.6%
Canton Mountain Wind			7,175	2.8%
Other MWH	210,704	85.8%	210,704	83.4%
Total Portfolio	245,498	100.0%	252,673	100.0%

When the WMLP engages with a prospective provider of renewable energy, it enters into a long-term contract with that provider to purchase electricity. Typically, the WMLP is contractually obligated to purchase a certain percentage of the source's output for a twenty-year period. As the WMLP purchases renewable power from new generators such as the wind farms, it also receives the RECs that go along with that power. This is vitally different than how the IOUs interact with those renewable providers. The IOUs do not enter into long term contracts to purchase electricity. That is why the DEP and other regulations allow the IOUs to satisfy their renewable source requirements by buying RECs on the open market.

But imagine that you are a prospective builder of a wind farm, and you are going to your local bank to seek a construction loan. Which would you prefer to present to the banker? "Well, next year we believe that Eversource will be required to purchase a large number of RECs, so we can make money by selling those RECs to them," or "We have contracts with 11 Municipal Light Plants that require them to purchase 80% of our power output over the next 20 years." If you were a banker, which group would you loan money to?

As a consequence, the WMLP believes that it offers benefits and incentives for the creation of renewable energy facilities above and beyond the mere purchase and retirement of RECs. True, RECs are an innovative, market-based regulatory approach that can encourage the financing of renewable energy facilities. They are a means to an end, but not the only means. And very importantly, they are not the end, the 'end' is the construction of renewable power facilities. A

multi-year energy purchase commitment is more valuable to the prospective builder of a wind farm than a one-year obligation to purchase RECs at a fluctuating, uncertain market price.

That being said, the WMLP Board is aware that several residents have been critical of its recent practice of selling the RECs it receives in excess of the number necessary to satisfy the Voluntary Renewable Program amounts. This criticism, however, does not seem to take into consideration that, at the same time as the WMLP resells RECs, it spends significant amounts to fund long-term sustainable and/or energy conservation initiatives. For example, the chart below calculates the WMLP's REC revenue at \$155,493 in 2015. That same year the WMLP provided Wellesley residents with solar rebates of \$115,000 and 100% net metering credit. It is also worth noting that in 2016/2017 the Light Board approved \$512,700 for funding the retrofit of 3,100 streetlights with light emitting diode fixtures. This retrofit will eliminate 950,000 kilowatt-hours each year and save Wellesley taxpayers \$125,000.

In an effort to provide transparency, the following is a history of the WMLP's purchase and disposition of RECs:

WELLESLEY MUNICIPAL LIGHT PLANT
Renewable Energy Certificate History Calendar Year 2012 - 2016

	<u>CY12</u>	<u>CY13</u>	<u>CY14</u>	<u>CY15</u>	<u>CY16</u>	<u>Total</u>
Spruce Mountain	1,876	7,276	7,569	8,043	8,205	32,969
Saddleback Wind	0	0	76	3,229	6,679	9,984
Total RECS	1,876	7,276	7,645	11,272	14,884	42,953
Less:						
Voluntary Renewable	(2,697)	(8,075)	(8,088)	(7,910)	(7,619)	(34,389)
Net (Purchase)Sale	(821)	(799)	(443)	3,362	7,265	8,564
\$/REC	\$62.50	\$64.00	\$50.00	\$46.25	\$16.25	
MLP (Cost) Revenue	(\$51,313)	(\$51,136)	(\$22,150)	\$155,493	\$118,056	\$148,950

Thus you can see that the WMLP only began selling 'excess' RECs in 2015 and has only done so for two years.

However, the Board of the WMLP understands the criticism that if the WMLP sells a REC, then an IOU will receive the full credit for that renewable megawatt hour, regardless of whether the WMLP has entered into a long-term power contract with the generator. So the Board will commit to examining and reconsidering this practice. Heretofore, the WMLP has accounted for the sale of RECs as a reduction in power costs, thus offsetting the premium costs of renewable power (often double the cost of traditionally generated power). If the WMLP were to retire all RECs, it would have to plan for how it would fund those costs from other sources. The simplest method would be to increase electric rates to cover the cost. However, the WMLP could

subsidize renewable power by using the cash that it generates from its non-core operating activities, such as the Distributed Antenna System, its maintenance activities at Mass Development-Devens or the prospective income from municipal broadband. This will require the Board to study the exact level of non-operating income and weigh the use of the income from such activities against other uses for that money (such as, for example, the projects described in the next section). Please be aware that members of the Board appear to differ significantly in their opinions regarding this issue, so we cannot promise that we will actually adopt the practice of retiring all RECs. What we can do, however, is pledge to consider the issue carefully. And we would welcome all input and analysis that residents can provide us to help us with this decision.

4. Town Efficiency Projects.

As stated above, the WMLP has engaged in and funded numerous projects over the past ten years in support of the Town's goal of reducing its greenhouse gas emissions by 25% by 2020. None of these projects would qualify for or be regulated under the proposed new DEP standards, but we believe these projects represent true creativity and leadership in promoting sustainability. In the past ten years, the WMLP has expended almost two million dollars in support of Town projects to promote energy efficiency and conservation. A list of these projects, along with their approximate funding level, is appended to this Memo as Appendix A.

Consider, for a moment, if the savings generated from these projects were translated into RECs. The WMLP has, for example, funded much of the costs of replacing the Town's aging street lights with efficient LED lights. Once completed, this project is projected to save the Town 1,527,000 kWh annually, over its 2007 energy consumption.⁶ This would amount to 1,527 RECs annually, or an additional 0.6% of the WMLP's power portfolio. While none of the individual projects listed in Appendix A can boast of the same level of savings, we believe that, as a whole, the projects can create similarly impressive statistics.

Equally impressive, we believe, is the fact that, since the occupation of its new building in 2013 the WMLP has reduced its own use of electricity almost 60 percent below its 2007 level and the WMLP participates in its own Voluntary Renewable Power Program at the 100% level. That is, it pays a premium to purchase 100% of the power used in its operations (above that provided by its own solar panels) from renewable sources. It's also worth noting that the WMLP's work with the Sustainable Energy Committee and Sustainable Wellesley has resulted in the Town of Wellesley being the only municipality in Massachusetts to receive the United States Environmental Protection Agency's "Green Power Community" designation.

The WMLP will continue to work with other Town Departments, such as we are doing in the Green Community application to the DOER, to identify and enable further Town efficiency. We welcome any resident feedback or suggestions with regard to these activities.

⁶ This figure combines the benefits of retrofitting the Town's ornamental streetlights in 2009 with the current project to replace 3100 high pressure sodium lights.

5. Residential Energy Projects

One of the WMLP's premier residential energy projects, the Power to Save program, was initiated by the staff and formed in partnership with the Town's natural gas supplier, National Grid and the Sustainable Energy Committee (SEC). This program funded free home energy audits. The next phase, the More Power to Choose campaign with the SEC was the residential solar installation initiative. The WMLP supported and supports the More Power to Choose program in two ways. First, the WMLP offered a one-time rebate to people who chose to install rooftop solar panels on their houses. Second, the WMLP offers true 100% net metering for the sale of excess power back to the Light Plant. That is, for every kilowatt-hour the rooftop solar panel produces, including when it generates more electricity than the home can consume, the homeowner receives 100% credit. The IOUs are subject to a 'net metering cap,' limiting the amount of power that they have to buy back from homeowners. The WMLP, however, is not subject to that cap, and it pays the homeowner the full price of that power – i.e. the WMLP will buy or credit that power at the same price as it would sell power to that customer.⁷

The WMLP offers other programs that aid residents in energy conservation. We offer a rebate program for the purchase of efficient appliances and heating systems. We offer home energy audits, paid for by the WMLP (the traditional "Mass Save" audit is not available to homes that do not heat with natural gas, approximately 30% of the homes in Wellesley).

And of course, we are interested, at any time, in ideas for any creative programs that would help encourage or enable energy efficiency.

6. Looking Forward.

Transparency, of course, cannot be a one-time thing, nor can we truly claim to value resident input by reading and reacting to one letter. Therefore, the WMLP will adopt the following activities in order to increase the visibility of its sustainability activities and encourage resident input.

- The WMLP Board will conduct a public forum, in the very near future, to continue this dialogue. We have invited the Board of Selectmen and the Sustainable Energy Committee to be co-sponsors of that forum. We will have additional public forums in the future.
- The WMLP Board will propose to conduct regular joint public meetings with the Sustainable Energy Committee – perhaps annually – to discuss sustainability and the WMLP.
- The WMLP will prepare and submit for inclusion in the Advisory Report and for our presentation at Town Meeting, an Annual Report on Sustainability Activities to summarize our sustainability activities, including the composition of our energy portfolio and our disposition of RECs. We will work with the Town Moderator and Advisory to

⁷ Ironically, because the WMLP's rates are lower than surrounding IOUs, the retail price that is actually paid to the homeowner is less than that paid by the IOUs.

determine the exact form for this report. This report also will be posted to the WMLP website to allow easy citizen review.

And again, without trying to sound disingenuous, we welcome resident input on other activities we might engage in to promote the transparency and responsiveness of our activities. As with all Town Boards and Committees, we welcome constructive feedback at any time and are willing and happy to engage in informal communication with Town residents.

WELLESLEY MUNICIPAL LIGHT PLANT

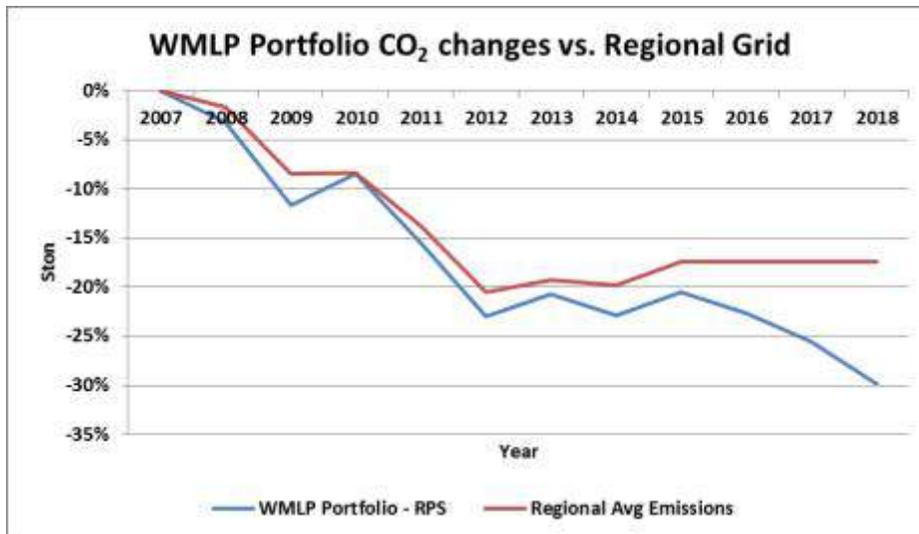
MONTH	YEAR	ENERGY CONSERVATION ACTIVITY	MLP FUNDING
1	JUN	2006 Compact fluorescent lighting retrofit Hardy School	\$36,700
2	FEB	2007 Compact fluorescent lighting retrofit Town Hall	\$21,900
3	FEB	2007 Compact fluorescent lighting retrofit Hunnewell School	\$38,500
4	MAR	2007 Compact fluorescent lighting retrofit Fire Station #2	\$17,900
5	APR	2007 Compact fluorescent lighting retrofit DPW/MLP Administrative Building	\$17,500
6	APR	2007 Retained energy efficiency expert Alan Mulak to conduct two seminars for municipal and commercial customers	\$2,100
7	JUL	2007 Replace RDF motors and infra red heaters, retrofit incandescent and metal halide lighting	\$70,000
8	NOV	2007 Offer demand side management to ten municipal buildings/facilities; three participated	\$7,700
9	JAN	2008 Sponsor/participate in "Power of One" presentation; extend invitation to all municipal departments	\$0
10	MAR	2008 Replace the inverter to re-activate High School solar panels and provide real-time data	\$8,800
11	APR	2008 Approved funding of the energy efficiency modeling for the High School	\$42,500
12	APR	2008 Approved funding of occupancy sensors at the Police Station	\$16,200
13	APR	2008 Approved funding for the retrofit of the Library parking garage	\$20,000
14	DEC	2008 Accepted Green Ribbon Committee's recommendation to change municipal utility bill format to promote conservation	\$0
15	JUL	2009 Established "Grounded Power" program at the Town Hall, Library and Middle School	\$30,000
16	AUG	2009 Initiated "Power Down" event at Town Hall; all electricity (except elevator) shut-off to demonstrate high consumption uses	\$0
17	SEP	2009 Replaced all mercury vapor and many metal halide streetlights with high pressure sodium	\$34,000
18	DEC	2009 Replaced Central Street ornamental streetlights with LED fixtures	\$56,900
19	JAN	2010 Committed to funding one half of Sustainable Energy Coordinator position	\$20,000 /year
20	MAR	2010 Retrofitted 105 ornamental streetlights with LED fixtures	\$56,300
21	JUL	2010 Removed old High School solar panels and offered to all Town Departments, no interest, now ground mounted at Municipal Light Plant	\$2,000
22	JUL	2010 Awarded 50 kW solar installation on Municipal Light Plant garage	\$243,400
23	OCT	2010 MLP, Selectmen, NRC and Library sponsored "Sustainable Energy Day" for municipal and commercial accounts to communicate 10% reduction goal	\$1,700

MONTH YEAR			ENERGY CONSERVATION ACTIVITY	MLP FUNDING
24	NOV	2010	Commercial grade energy audit of Town Hall	\$3,900
25	NOV	2010	Commercial grade energy audit of the Middle School	\$7,000
26	JAN	2011	Municipal Light Board agreed to fund 15 - 20 kW Middle School solar installation with the enrollment of 100 new voluntary renewable participants	\$0
27	FEB	2011	Retained solar consultant Richard Chase to provide guidance to municipal departments and non-profits	\$0
28	MAR	2011	Funded analysis to justify Middle School conversion from oil to natural gas	\$500
29	MAR	2011	Sponsored the "Wellesley Green Classroom" certification program	\$500
30	APR	2011	Retained Simpson, Gumpertz & Hager to conduct load carrying analysis for the potential solar installation on the Middle School roof	\$11,000
31	APR	2011	LED retrofit of 403 remaining ornamental streetlights	\$226,500
32	JUN	2011	Agreed to fund the 40 kW High School solar installation	\$188,500
33	JUN	2011	Initiated "Summer Cooling" campaign with the Sustainable Energy Committee and Sustainable Wellesley, MLP reached out to all Town Departments	\$1,100
34	APR	2012	Funded "Energy Mizer" installation at the Warren Building	\$9,000
35	JUN	2012	Town of Wellesley received "Green Power Community" designation from USEPA, 5% enrollment in voluntary renewable program for municipal electricity	\$0
36	JUN	2012	MLP enrolls at 100% voluntary renewable program	\$24,000 /year
37	MAY	2013	Partnered with Facilities Maintenance Department to utilize MGL 25A, Section 14 to retrofit parking lot lights at Bates and Sprague (\$69,000).	\$0
38	DEC	2013	MLP adopts and promotes "LESS" (Lights, Equipment, Supplies and Seasonal) program to all Town Departments	\$0
39	OCT	2014	Municipal Light Board authorizes LED conversion of 125 Route 9 streetlights	\$116,900
40	DEC	2015	Agreed to fund one-half of Sustainable Energy Coordinator position	\$20,000 /year
41	FY	15/16	Provides fiber connectivity to Facilities Maintenance Department and other Town buildings to monitor and control energy usage	\$20,000
42	MAY	2016	Established preliminary Wellesley College and municipal load shedding program with Tangent	\$4,000
43	AUG	2016	Municipal Light Board authorizes submission of \$281,000 LED grant application to retrofit 3,111 streetlights	\$0
44	OCT	2016	Municipal Light Board approved funding for the LED retrofit of the remaining 125 streetlights on Route 9	\$113,800
45	DEC	2016	Municipal Light Board Chair requests and receives Board of Selectmen partial LED funding of \$105,000	\$0
46	MAR	2017	Municipal Light Board approves funding for the retrofit of the remaining 3,111 streetlights	\$281,700

Wellesley Municipal Light Plant Response
Department of Environmental Protection Clean Energy Standard

In responding to various information requests, it appears highly likely that information provided to the Department of Environmental Protection (“DEP”) concerning the Wellesley Municipal Light Plant (“WMLP”) may be inaccurate or out-of-date. WMLP takes this opportunity to comment, as part of the DEP’s current review of its Clean Energy Standard (“CES”) under 310 CMR 7.75(10), to improve DEP’s understanding of WMLP’s ongoing efforts to reduce air emissions of carbon dioxide and other greenhouse gasses. The WMLP does not oppose attainment of the environmental benefits envisioned by the Global Warming Solutions Act (“GWSA”). In fact, to assist the DEP in “taking into account the regional greenhouse gas initiative” as required by Section 3(c) of the GWSA, the WMLP notes that it has been paying more than \$200,000 per year into the Regional Greenhouse Gas Initiative (“RGGI”) fund without receiving any of the benefit funds. Notwithstanding this financial disadvantage, over the past ten years, the WMLP has reduced its carbon footprint at a rate almost twice the New England average. The WMLP has achieved this milestone by maintaining local control of municipal light plant operations, including energy supply, in support of the Town’s goal of reducing Wellesley’s carbon footprint by 25% in 2020. A review of the attached two documents will ensure the DEP has the most accurate and up-to-date information regarding the Town of Wellesley’s environmental accomplishments.

- **Wellesley Municipal Light Board (“Board”) Response.** We believe that the DEP has received a copy of the April 17, 2017 correspondence criticizing the WMLP’s participation in comments filed by a group of municipal light plants on February 24, 2017, in opposition to the DEP’s then-proposed Clean Energy Standard. We expect that the WMLP Board’s June 26, 2017 comprehensive response to the April 17 correspondence was not provided to the DEP, so we are forwarding that response for consideration as part of DEP’s Clean Energy Standard review. An itemized listing of many of the sustainable projects the WMLP has funded since 2006 is included as Attachment A. This partial listing alone involves direct expenditures that total more than \$1,700,000 toward the reduction of greenhouse gas emissions in connection with WMLP operations. It is also worth noting during the past four years the Board has made twenty-year commitments to purchase power from three Maine wind farms and is very close to finalizing a fourth wind purchase.
- **Portfolio Emissions Evaluation.** In October 2017, Energy New England completed an evaluation of the WMLP’s carbon footprint reduction. The attached report is the most accurate analysis of the WMLP’s progress in reducing Wellesley’s greenhouse gas emissions. The entire report is worth reading, however the graph on page 6 and below should be of particular interest to the DEP. For the period 2007 – 2018 the New England region is projected to reduce its carbon emissions by 17.5%. In comparison, the WMLP’s carbon emissions will be reduced by 29.9%.



WMLP emphasizes that these comments are not intended to be critical of those Wellesley residents advocating in support of the DEP’s Clean Energy Standard proposals. It is obvious from the WMLP’s progress in reducing emissions of carbon dioxide and other greenhouse gasses that WMLP shares the commitment of its consumer-owners in addressing the critical issues of de-carbonization and global warming. Our difference with the approach taken thus far by the DEP rests on our interest in maintaining the local control that the Legislature has consistently vested in municipal light plants under G.L. c. 164. For over 100 years, the Town of Wellesley has been well served by the governance of a local Municipal Light Board. Wellesley has very reliable electric service, at rates significantly below those of the Commonwealth’s investor-owned utilities. Even without the benefit of RGGI funds, the WMLP has reduced its carbon footprint by almost twice as much as the regional average. With the utmost respect for the DEP’s efforts in support of our shared objective of reducing greenhouse gas emissions that adversely affect the Commonwealth, WMLP believe it would be a major step backward for the DEP to usurp the authority of public power systems that have been effectively governed by Massachusetts towns and cities for more than a century. WMLP believes a collaborative approach between the DEP and the Commonwealth’s municipal light plants, whose energy procurement is not subject to DEP regulation, would better serve the public interest. Given the WMLP’s carbon reduction successes, it is hard to understand why the DEP would choose to implement a command-and-control approach rather than pursuing a highly attainable collaborative solution. Such a collaborative approach would recognize and accommodate the local control vested in municipal light plants by the Legislature while providing benchmarks for attainment of the objectives of the GWSA without disrupting or devaluing present economic commitments for power supply, while assuring flexibility for the ultimate attainment of the objectives of the GWSA.

Respectfully Submitted

Richard F. Joyce, Director
 Wellesley Municipal Light Plant
 4 Municipal Way, Wellesley, MA 02481

FW: Including MLPs in Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:09 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 6:22 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Including MLPs in Clean Energy Standard

From: Madeleine Barowsky
Sent: Monday, November 13, 2017 6:21:52 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Including MLPs in Clean Energy Standard

To whom it may concern:

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Even if municipal light plants are doing better than the requirements set by the standard, they should still be held to accountability and transparency standards so we can check compliance and celebrate exemplary performance.

Thank you,
Madeleine Barowsky

FW: Municipal Light Plants

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/15/2017 8:35 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 14, 2017 8:35 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Municipal Light Plants

From: Lauren Bartley
Sent: Tuesday, November 14, 2017 8:34:57 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Municipal Light Plants

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Fw: Include MLP's in Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/30/2017 4:14 PM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Thursday, November 30, 2017 11:48 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: Include MLP's in Clean Energy Standard

From: Nova Biro
Sent: Thursday, November 30, 2017 11:47:59 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Include MLP's in Clean Energy Standard

To whom it may concern:

I'm a resident of Wellesley and have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Sincerely,
Nova Biro

FW: Wellesley Municipal Light Plant

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 8:58 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:33 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Wellesley Municipal Light Plant

From: Emma Brewer-Wallin
Sent: Wednesday, November 1, 2017 7:32:43 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Wellesley Municipal Light Plant

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

--

Emma Brewer-Wallin
Wellesley College '18
Religion / Peace & Justice Studies

FW: Wellesey Municipal Light Plant

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:11 AM

CES and Auction Comments

To: Segal, Katie <Katie.Segal@icf.com>; Opatovsky, Danielle <Danielle.Opatovsky@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 14, 2017 12:52 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: Wellesey Municipal Light Plant

From: Christina Buffo
Sent: Tuesday, November 14, 2017 12:52:12 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Wellesey Municipal Light Plant

To whom it may concern,

As a resident of Wellesley and therefore a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard.

I'm writing today to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables.

MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you,
Christina Buffo

FW: include MLPs in the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Mon 10/23/2017 8:42 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Saturday, October 21, 2017 9:28 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: include MLPs in the Clean Energy Standard

From: Allison Burson
Sent: Saturday, October 21, 2017 9:27:43 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: include MLPs in the Clean Energy Standard

Dear DEP,

As a resident of Wellesley and a ratepayer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you for your consideration,

Allison

FW: Please include MLPs in the Clean Energy Standard!!!

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:04 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:34 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Please include MLPs in the Clean Energy Standard!!!

From: Julia Calventus
Sent: Wednesday, November 1, 2017 7:33:29 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Please include MLPs in the Clean Energy Standard!!!

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Fw: MLPs and the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/28/2017 6:26 PM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 27, 2017 5:15 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: MLPs and the Clean Energy Standard

From: Haley Cheek
Sent: Monday, November 27, 2017 5:15:55 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: MLPs and the Clean Energy Standard

To whom it may concern,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Yours Truly,
Haley Cheek

FW: sustainability in the town of Wellesley and in Massachusetts

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/15/2017 8:36 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 15, 2017 12:04 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: sustainability in the town of Wellesley and in Massachusetts

From: Catrina Chen
Sent: Wednesday, November 15, 2017 12:02:58 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: sustainability in the town of Wellesley and in Massachusetts

“As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth’s solution to climate change and should not be exempted from the Clean Energy Standard.”

Fw: MLPs/Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/28/2017 6:26 PM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 28, 2017 8:16 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: MLPs/Clean Energy Standard

From: Amy Collins
Sent: Tuesday, November 28, 2017 8:16:48 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: MLPs/Clean Energy Standard

As a resident of Wellesley, I am aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I am writing to encourage you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and not be exempted.

As a physician and health care sustainability professional, I am deeply concerned about the public health impacts of climate change and I urge you to include MLP's in the Clean Energy Standard as it is a critical step to protect the public from the health impacts of climate change.

Sincerely,

Amy Collins
[10 Hillcroft Road](#)
[Wellesley MA](#)

Amy Collins M.D.
Senior Clinical Advisor
Health Care Without Harm
www.noharm.org
acollins@hcwh.org
(617) 549-4102

From: Daniel H

Sent: Wednesday, November 22, 2017 12:27:33 PM (UTC-05:00) Eastern Time (US & Canada)

To: Strategies, Climate (DEP)

Subject: Clean Energy Standard

As a resident of Belmont, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Thank you,
Daniel

FW:

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 8:16 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 1, 2017 7:36 PM
To: Garfinkle, Jordan (DEP)
Subject: FW:

From: Charlotte Durham
Sent: Wednesday, November 1, 2017 7:35:37 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject:

To whom it may concern:

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Sincerely,
Charlotte Durham

FW: Inclusion of MLPs in the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 8:30 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 21, 2017 6:11 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Inclusion of MLPs in the Clean Energy Standard

From: Jane Dye
Sent: Tuesday, November 21, 2017 6:11:06 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Inclusion of MLPs in the Clean Energy Standard

As a resident of Holden, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard. I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Jane Dye
508-829-6366 (h)
774-232-0989 (c)
mythicjay@aol.com
janehdye@gmail.com

FW: Clean energy standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/16/2017 8:31 AM

CES and Auction Comments

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 15, 2017 5:34 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Clean energy standard

From: Antonella Fagone
Sent: Wednesday, November 15, 2017 5:34:13 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Clean energy standard

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you!

Antonella Fagone, Wellesley College student

FW: inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 8:31 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 21, 2017 7:24 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard

From: robin@cetusnet.net
Sent: Tuesday, November 21, 2017 7:23:44 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard

To whom it may concern,

As a resident of Holden, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Sincerely,
[Robin Ganesan](#)
[Holden, MA 01520](#)

FW: MLPs and the CES

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Mon 10/23/2017 12:23 PM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, October 23, 2017 12:22 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: MLPs and the CES

From: Mary Gard
Sent: Monday, October 23, 2017 12:21:55 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: MLPs and the CES

To Commonwealth of Massachusetts DEP:

As a resident of the town of Wellesley, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Sincerely,

Mary Gard

Resident, Town of Wellesley

FW: Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 8:30 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 21, 2017 4:47 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Clean Energy Standard

From: Ren Glover
Sent: Tuesday, November 21, 2017 4:46:30 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Clean Energy Standard

As a resident of Belmont, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Karen E. Glover
[53 Bartlett Avenue](#)
[Belmont, MA 02478](#)

FW: Comments on Wellesley's Municipal Light Plant

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 8:58 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:33 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Comments on Wellesley's Municipal Light Plant

From: Hazel Wan Hei Leung
Sent: Wednesday, November 1, 2017 7:32:49 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Comments on Wellesley's Municipal Light Plant

To whom it may concern,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Hazel Wan Hei Leung (梁允希)
Wellesley College '20
(857) 452 2787

Sent with [Mixmax](#)

FW: Include MLPs in the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:05 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:37 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Include MLPs in the Clean Energy Standard

From: Samantha Hoang
Sent: Wednesday, November 1, 2017 7:36:21 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Include MLPs in the Clean Energy Standard

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Samantha Hoang
Wellesley College | Class of 2019 | Applied Physics & Environmental Studies

FW: Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Mon 11/27/2017 8:48 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Sunday, November 26, 2017 4:45 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Clean Energy Standard

From: Kelly Huang
Sent: Sunday, November 26, 2017 4:44:42 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Clean Energy Standard

Dear Sir/Madam,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLP in the Clean Energy Standard. I write to urge you to include MLP in the Clean Energy Standard and to require MLP to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLP should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you for your time, and I sincerely hope you will consider this in your decision-making.

Best regards,
Kelly Huang
Wellesley College '18

FW: Regarding 310 CMR 7.75

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/29/2017 6:42 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 28, 2017 7:03 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Regarding 310 CMR 7.75

From: Patrick and Maria
Sent: Tuesday, November 28, 2017 7:03:47 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Regarding 310 CMR 7.75

To the Department of Environmental Protection
Regarding including Municipal Light Plants in the proposed Clean Energy Standard (CES) 310 C.M.R. 7.75

The undersigned Ipswich residents are responding to the public process recently initiated by the Department of Environmental Protection (DEP) concerning the inclusion of municipal light plants in the proposed Clean Energy Standard (CES) 310 C.M.R. 7.75 to bring the state into compliance with the Global Warming Solutions Act of 2008.

Municipal light plants represent nearly 15% of electrical distribution in the state of Massachusetts. It is imperative they be included in the clean energy standards and be leaders on clean energy issue in Massachusetts. As customers of the electric light department in Ipswich we have requested that our electric light committee and electric light commissioners engage constructively in the Clean Energy Standard Process. And while our ELD manager expressed agreement with the goals set out by the Global Warming Solutions Act, not all municipal light plants have expressed agreement. We do not believe any of the 41 Municipal Light Plants should be exempt from the proposed Clean Energy Standard, which will allow Massachusetts to comply with GWSA requirements.

We appreciate the concern regarding the importance of maintaining the historical independence of the municipal light plants, but we believe that MLPs can reach an agreement with the DEP that will allow for this continued independence while ensuring participation in the essential state-wide effort to make the transition to clean sources of renewable energy. We request that the DEP final rule include that all municipal light plants comply with the CES

We are concerned that the options laid out in the DEP stakeholder discussion document promote the transition to clean energy too slowly, and the amount of clean energy that the MLPs are using would thus remain too low to fulfill GWSA goals. What we need to be doing in our communities is to move as fast as possible to truly clean energy.

12/5/2017

FW: Regarding 310 CMR 7.75 - Opatovsky, Danielle

Ipswich residents are working with our ELD manager and ELD commissioners to ensure new and ambitious goals for increasing investments in sources of Class 1 renewable energy are a guiding priority. The DEP should require all MLP to participate in working toward fulfilling such goals. Nothing less than the future of the planet depends on the actions we take today.

Respectfully yours,

Maria Wilkens
315 Linebrook Road

Patrick Patterson
315 Linebrook Road

Carolyn Britt
1 Shagbark Woods

Michael Johnson
6 Safford Street

Don Bowen
25 Green Point Road

James Donovan
8 Summer Street

Jim Prato
35 Bunker Hill Road

Lee Prato
35 Bunker Hill Road

Heidi Paek
2 5th Street

Joy Gurrie
20 Ocean Drive

Bob Nakashian
38 Newmarch Street

Beth Blanchard
393 Linebrook Road

Stephen Manley
24 Green Street

V. Anne Reynolds
6B Ryan Street

Faith Evans
22 Cedarview Road

FW: include MLP's in Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 8:30 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 21, 2017 5:18 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: include MLP's in Clean Energy Standard

From: ejjaros@aol.com
Sent: Tuesday, November 21, 2017 5:17:59 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: include MLP's in Clean Energy Standard

Please include the Municipal Light Plants like mine (Wellesley) in the Clean Energy Standard and encourage the MLPs to plan to integrate renewable energy resources with a priority of Class 1 renewables. The MLPs should be a part of the Commonwealth's solution to climate change.

Sincerely,
Ed Jaros

Sent from AOL Mobile Mail

Fw: CES and the MLPs

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Mon 10/30/2017 7:23 PM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, October 30, 2017 6:26 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: CES and the MLPs

From: ejjaros@aol.com
Sent: Monday, October 30, 2017 6:26:15 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: CES and the MLPs

MassDEP,

As a resident of Wellesley and a ratepayer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thanks,
Ed Jaros

Sent from AOL Mobile Mail

FW: Support for including MLPs in CES

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Mon 10/23/2017 8:43 AM

CES and Auction Comments

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, October 23, 2017 5:46 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: Support for including MLPs in CES

From: Jennifer Kallay
Sent: Monday, October 23, 2017 5:46:21 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Support for including MLPs in CES

To the attention of the DEP,

As a resident of Wakefield, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Jenn Kallay

FW: Require MLPs to Comply with MA's Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:10 AM

To: Segal, Katie <Katie.Segal@icf.com>; Opatovsky, Danielle <Danielle.Opatovsky@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 9:09 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Require MLPs to Comply with MA's Clean Energy Standard

From: Catie Kenyon
Sent: Monday, November 13, 2017 9:08:51 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Require MLPs to Comply with MA's Clean Energy Standard

Hello,

I am a Wellesley College student and a member of our Sustainability group on campus. As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you,
Catherine Kenyon

FW: energy plan

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:11 AM

CES and Auction Comments

To: Segal, Katie <Katie.Segal@icf.com>; Opatovsky, Danielle <Danielle.Opatovsky@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 11:26 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: energy plan

From: Charli Klein
Sent: Monday, November 13, 2017 11:25:55 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: energy plan

To Whom it May Concern,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Signed,
Charli Klein,
a concerned Wellesley College student

FW: Require MLPs

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:10 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 7:40 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Require MLPs

From: Lizzy Kong
Sent: Monday, November 13, 2017 7:40:02 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Require MLPs

To whom it may concern,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Best,

Lizzy Kong
Wellesley College Class of 2021

FW: Include MLPs in the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:01 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:33 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Include MLPs in the Clean Energy Standard

From: Rachel Korkodilos
Sent: Wednesday, November 1, 2017 7:33:16 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Include MLPs in the Clean Energy Standard

Hello,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

*Best,
Rachel Korkodilos*

--
Rachel A. Korkodilos
Wellesley College | Class of 2020
EnAct | Co-President
rkorkodi@wellesley.edu

FW: Please include municipal light plants in the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Mon 10/23/2017 8:42 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Saturday, October 21, 2017 11:18 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: Please include municipal light plants in the Clean Energy Standard

From: Regina LaRocque
Sent: Saturday, October 21, 2017 11:17:31 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Please include municipal light plants in the Clean Energy Standard

To the Massachusetts DEP:

I am a resident of Wellesley and a ratepayer of the Wellesley municipal light plant.

I am writing to ask that municipal light plants be included in the state's Clean Energy Standard 310 C.M.R. 7.75.

I have expressed this request directly to the board of the Wellesley Municipal Light Plant and the Wellesley Board of Selectman as well.

Wellesley residents want to be leaders in our state's transition to clean sources of energy and to fully participate in achieving the goals of the Global Warming Solutions Act.

With regards,

Regina LaRocque
[49 Madison Road](#)
[Wellesley, MA 02481](#)

FW: Concerns about Nunicipal Light Plants

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:11 AM

CES and Auction Comments

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 10:50 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Concerns about Nunicipal Light Plants

From: Alice Li
Sent: Monday, November 13, 2017 10:49:10 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Concerns about Nunicipal Light Plants

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

--

Alice Li
Wellesley College
Wellesley Asian Alliance Co-Coordinator
Computer Science 2019

FW: Municipal Light Plants

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:10 AM

To: Segal, Katie <Katie.Segal@icf.com>; Opatovsky, Danielle <Danielle.Opatovsky@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 8:34 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Municipal Light Plants

From: Melissa Loza
Sent: Monday, November 13, 2017 8:33:30 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Municipal Light Plants

Dear MA Department of Environmental Protection,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you!

Sincerely,

~Melissa Loza

FW: Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:05 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 9:13 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Clean Energy Standard

From: Stephanie Makredes
Sent: Wednesday, November 1, 2017 9:12:06 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Clean Energy Standard

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you,

Stephanie Makredes

FW: Municipal Light Plant

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:10 AM

To: Segal, Katie <Katie.Segal@icf.com>; Opatovsky, Danielle <Danielle.Opatovsky@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 8:51 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Municipal Light Plant

From: Sarah McBride
Sent: Monday, November 13, 2017 8:50:07 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Municipal Light Plant

To Whom It May Concern,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you!
Sarah McBride

--
Sarah McBride
Wellesley College '18
Biology and Environmental Studies
--

FW: Municipal Light Plants

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 8:31 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 21, 2017 9:35 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Municipal Light Plants

From: Margaret McGinnis
Sent: Tuesday, November 21, 2017 9:35:22 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Municipal Light Plants

As a resident of Hull, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Thank you.

M McGinnis

FW: MLPs in Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:04 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:36 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: MLPs in Clean Energy Standard

From: Ella Mullikin
Sent: Wednesday, November 1, 2017 7:36:26 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: MLPs in Clean Energy Standard

To whom it may concern,

My name is Ella Mullikin and I am a student at Wellesley College. As a resident of Wellesley, I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of municipal light plants in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

There is no excuse for not doing all we can to reduce our environmental impact and increase our use of renewable energy sources. More than that, it is absolutely imperative that state and local legislations do their utmost to further sustainability and environmental protection, as this progress will not be driven forward by the federal government.

Best,

Ella Mullikin
Wellesley College | Class of 2020

FW: Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/15/2017 8:36 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 14, 2017 5:08 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Clean Energy Standard

From: Eleanor Nash
Sent: Tuesday, November 14, 2017 5:07:36 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Clean Energy Standard

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Eleanor Nash

FW: Compliance with the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:10 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 7:03 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Compliance with the Clean Energy Standard

From: Alondra Navarro
Sent: Monday, November 13, 2017 7:02:35 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Compliance with the Clean Energy Standard

To whom it may concern:

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you,
Alondra Navarro

FW: Clean Energy Standards

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 8:58 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:33 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Clean Energy Standards

From: Maggie O'Connor
Sent: Wednesday, November 1, 2017 7:32:52 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Clean Energy Standards

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Maggie O'Connor
Wellesley College | Class of 2020
Economics

FW: sustainability in the town of Wellesley and in Massachusetts

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:10 AM

CES and Auction Comments

To: Segal, Katie <Katie.Segal@icf.com>; Opatovsky, Danielle <Danielle.Opatovsky@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 9:19 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: sustainability in the town of Wellesley and in Massachusetts

From: Emmet Odegaard
Sent: Monday, November 13, 2017 9:18:38 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: sustainability in the town of Wellesley and in Massachusetts

To The Mass Dept of Environmental Protection,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

*Sincerely,
Emmet Odegaard*

Fw: Comments Regarding 310 CMR 7.75, DEP Proposal on Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/29/2017 7:56 PM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

 2 attachments (52 KB)

MLP Letter 4.17.pdf; ATT00001.htm;

From: Strategies, Climate (DEP)

Sent: Wednesday, November 29, 2017 3:58 PM

To: Garfinkle, Jordan (DEP)

Subject: FW: Comments Regarding 310 CMR 7.75, DEP Proposal on Clean Energy Standard

From: Lise Olney

Sent: Wednesday, November 29, 2017 3:58:11 PM (UTC-05:00) Eastern Time (US & Canada)

To: Strategies, Climate (DEP); Kirby, Christine (DEP)

Cc: Mary Gard; Quentin Prideaux; Phyllis Theermann; Sustainable Wellesley

Subject: Comments Regarding 310 CMR 7.75, DEP Proposal on Clean Energy Standard

Comments to the Department of Environmental Protection Regarding the Inclusion of Municipal Light Plants in the Proposed Clean Energy Standard 310 C.M.R. 7.75

As part of the public comment process initiated by the Department of Environmental Protection, the undersigned leaders of Sustainable Wellesley would like to offer our strong support for the inclusion of municipal light plants in the proposed Clean Energy Standard (CES) 310 C.M.R. 7.75.

We believe that all municipal light plants should be brought into compliance with the goals of the Global Warming Solutions Act of 2008 by meeting or exceeding the requirements of the CES. We are aware that without the compliance of MLP communities, the state is unlikely to achieve the goals outlined in the 2008 law. Therefore, it is essential for Wellesley and all other MLP communities to support the state-wide effort to make the transition to clean sources of renewable energy.

As indicated in the attached letter sent to the Board of the Wellesley Municipal Light Plant (MLP) on April 17, 2017, many Wellesley ratepayers have reservations about the position taken by the Board of the Wellesley MLP that all municipal light plants should be exempt from the proposed Clean Energy Standard.

We acknowledge the position of the Board of the Wellesley MLP and others with regard to the importance of maintaining the historical independence of the municipal light plants. However, the burden of bringing the state

into compliance with the Global Warming Solutions Act should be shared by *all* ratepayers and *all* communities in Massachusetts -- not just those served by investor-owned utilities. MLP communities such as Wellesley must not claim that the need for independence should override our responsibility to comply with the state's efforts to make the essential transition to clean, renewable energy.

We also note that the MLPs are already subject to state law governing safety, personnel policy, and many other areas of operation. Compliance with a state law intended to safeguard the future of the planet should not be viewed as any further threat to the current independence of the MLPs.

We urge the Department of Environmental Protection to consider the voices of citizens -- as well as the interests of the MLPs -- and ensure that the new CES creates fair and equitable requirements for clean, renewable energy investments by all those who distribute electricity in the Commonwealth. Nothing less than the future of the planet depends on the actions we take today.

Respectfully yours,
Sustainable Wellesley Leaders
Mary Gard
Lise Olney
Quentin Prideaux
Phyllis Theermann

April 17, 2017

To the Board of Wellesley Municipal Light Plant:

As Wellesley residents, we are writing to ask that you reconsider the position expressed in the formal comments filed with the Massachusetts Department of Environmental Protection (DEP) on February 24, 2017 ([attached](#)) on behalf of 14 municipal light plants, including the Wellesley MLP. The central argument put forth in these comments is that the Wellesley MLP and others need not comply with the Massachusetts Global Warming Solutions Act of 2008 (GWSA). We believe this position is wrong, not only on the law, but also because it undermines Wellesley's expressed commitment to sustainability, carbon reduction, and climate change mitigation.

These comments to the DEP were drafted by the Washington, D.C. law firm of Duncan & Allen in response to a proposal by the Baker Administration to bring the Commonwealth into compliance with its commitments under the GWSA by implementing a "Clean Energy Standard." Among other things, the proposed Clean Energy Standard would apply to the 41 municipal light plants in the Commonwealth, requiring them for the first time to purchase an increasing amount of clean, low- or zero-carbon electricity between now and 2050. This Clean Energy Standard was developed during the Patrick Administration after significant research and public outreach and would function in a manner similar to the current [Renewable Portfolio Energy Standard](#). One of the principal differences between the Renewable Energy Portfolio Standard and the new Clean Energy Standard would be the inclusion of the municipal light customers.

The Duncan & Allen comments argue that municipal light customers should not be subject to the Clean Energy Standard for a number of reasons, including that municipal energy resource procurement should be left to the autonomous local control of the MLPs, and that adhering to the Clean Energy Standard will subvert other efforts by MLPs to de-carbonize. Furthermore, Duncan & Allen assert that the DEP has no legal authority to regulate MLP emissions under the Global Warming Solutions Act – that MLPs are, in effect, above the law and need not comply with the state's landmark climate law.

As our Supreme Judicial Court justices explained in the *Kain* decision last summer, the GWSA was a transformative act, designed to change the status quo and comprehensively empower the DEP and other agencies to address the climate change emergency. The law plainly gives the DEP the authority to regulate *all* "emissions of greenhouse gases in the Commonwealth, including *all* emissions of greenhouse gases from the generation of electricity delivered to and consumed in the Commonwealth" – including the electricity delivered by MLPs.

Aside from the ill-advised legal argument advanced by Duncan & Allen, the attempt to place Wellesley beyond the reach of the GWSA runs directly counter to who we are as a town. It was in fact two Wellesley High School students – Olivia Gieger and Shamus Miller – who were among the plaintiffs in the Supreme Judicial Court case that ultimately resulted in the proposed Clean Energy Standard. Furthermore, “conservation and sustainability” have been adopted as a core value of the Town’s Unified Plan. In 2014, Wellesley Town Meeting also set a goal to reduce Town-wide carbon emissions 25% below 2007 levels by 2020 – a target we are not yet on a path to achieve.

In the Duncan & Allen comments, the Wellesley MLP reports that its most recent percent of sales from non-emitting MWh is just over 6%, with anticipated sales from non-emitting MWh of less than 14% in 2021. With those numbers, Wellesley ranks near the *bottom* in terms of low-carbon electricity of all the MLPs that signed the Duncan & Allen comments. These reported rates also indicate that the Wellesley MLP lags well behind the current Renewable Energy Portfolio Standard that is applied to non-municipal retail sellers of electricity.

As members of the Wellesley community, we ask the MLP board to:

1. Rethink its support for any attempt to exempt our MLP from the Global Warming Solutions Act and the proposed Clean Energy Standard.
2. Provide the community with specific information on the sources of energy supply purchased by the MLP, including details about current renewable energy purchases, the sale of RECs, and the yearly carbon emissions attributable to MLP electricity purchases for years 2007 through 2016.
3. Provide the community with details about actions taken, or planned, to support the goal established by Wellesley Town Meeting to reduce Town-wide carbon emissions 25% below 2007 levels by 2020.
4. Work with stakeholders in the community to develop a detailed plan and time frame for how the Wellesley MLP energy supply can achieve the proposed Clean Energy Standard.

We hope that by working together we can make Wellesley a proud leader in the Commonwealth’s urgent and essential transition to renewable energy.

Respectfully yours,

Jessica Stanton, 172 Hampshire Road
Regina LaRocque, 49 Madison Road (Town Meeting Member)
Maria Ashbrook, 27 Meadowbrook Road
Scott Bender, 30 Ivy Road (Town Meeting Member)
Susan Bevilacqua, 12 Pine Tree Lane
Nancy Braun, 11 Ingersoll Road

Allison Burson, 81 Seaver Street
Kelly Caiazzo, 24 Summit Road
Elizabeth Carroll, 52 Livermore Road
John Carroll, 52 Livermore Road
Robert Cooper, 18 Tennyson Road
Kristin Donahue, 27 Rutgers Road
Laura Fragasso, 166 Oakland Street (Town Meeting Member)
Tim Fulham, 15 Windsor Road
Mary Gard, 21 Laurel Avenue (Town Meeting Member)
Judy Gertler, 11 Stanford Road
Olivia Gieger, 127 Dover Road
Trish Glass, 30 Garden Road
Ned Hall, 3 Cartwright Road
Paul Hayre, 14 Thackeray Road
Jason Harris, 49 Madison Road
Jeanne Hoerter, 18 Park Avenue
Matthew Hornung, 21 Richland Road (Town Meeting Member)
Ed Jaros, 16 Morses Pond Road
Laurel Landers, 161 Oakland Street
Jon Mantak, 37 Longmeadow Road
Elizabeth May, 27 Fuller Brook Road
Raina McManus, 2 Mulherin Lane (Town Meeting Member)
Alison Monaghan, 71 Woodcliff Road
Sue Morris, 16 Framar Road
Jeff Novins, 6 Larch Road
Lise Olney, 15 Windsor Road (Town Meeting Member)
Deirdre O'Kelly Lynch, 31 Barnstable Road
Michelle Ouellette, 38 Northgate Road
Ellie Perkins, 15 Chestnut Street
Quentin Prideaux, 75 Emerson Road
Vickery Prongay, 39R Twitchell Road
Heather Schaefer, 113 Hampshire Road
Eric Sofen, 81 Seaver Street
Callie and Brian Smith, 9 Bryn Mawr Road
Sue Stewart, 225 Bristol Road
Tobias Stover, 29 Paine Street
Phyllis Theermann, 13 Aberdeen Road
Susan Zelenko, 76 Cleveland Road

FW: Include MLPs

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 8:31 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 21, 2017 8:22 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Include MLPs

From: Renya
Sent: Tuesday, November 21, 2017 8:22:10 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Include MLPs

As a resident of Marblehead, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Thank you.

Renya Onasick

FW: MLP Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/15/2017 8:35 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 14, 2017 7:41 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: MLP Clean Energy Standard

From: Jess Ostfeld
Sent: Tuesday, November 14, 2017 7:40:45 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: MLP Clean Energy Standard

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

*Best,
Jessica Ostfeld*

FW: Wellesley Municipal Light Plant

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:04 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:35 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Wellesley Municipal Light Plant

From: Michaella Park
Sent: Wednesday, November 1, 2017 7:34:45 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Wellesley Municipal Light Plant

As a Wellesley College student and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

FW:

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 8:30 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 21, 2017 5:16 PM
To: Garfinkle, Jordan (DEP)
Subject: FW:

From: mark pelletier
Sent: Tuesday, November 21, 2017 5:16:09 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject:

As a resident of Ashburnham, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

FW: Inclusion of MLPs in the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 10/19/2017 9:32 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, October 18, 2017 11:16 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Inclusion of MLPs in the Clean Energy Standard

From: Janie Penn
Sent: Wednesday, October 18, 2017 11:15:53 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Inclusion of MLPs in the Clean Energy Standard

To the Department of Environmental Protection:

As a resident of Wellesley and a ratepayer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Sincerely,
S. J. Penn
[15 Bemis Rd Ste 3](#)
[Wellesley, MA 02481](#)

FW: Municipal Light Plants

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:04 AM

CES and Auction Comments

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:35 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Municipal Light Plants

From: Dani Pergola
Sent: Wednesday, November 1, 2017 7:35:13 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Municipal Light Plants

To whom it may concern,

As a student at Wellesley College and thus a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Sincerely,
Danielle Pergola

Fw: MLPs need to be part of the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/30/2017 4:11 PM

To: Segal, Katie <Katie.Segal@icf.com>; Opatovsky, Danielle <Danielle.Opatovsky@icf.com>;

From: Strategies, Climate (DEP)
Sent: Thursday, November 30, 2017 9:54 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: MLPs need to be part of the Clean Energy Standard

From: Ellie Perkins
Sent: Thursday, November 30, 2017 9:54:20 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: MLPs need to be part of the Clean Energy Standard

I live in Wellesley and have been increasingly concerned that our town's MLP has chosen not to be included in the Clean Energy Standards, even though a large group of residents encouraged them to opt in.

I urge you to include the MLPs in the Standards and to encourage them to plan to integrate renewable energy resources with a priority on Class 1 renewables. I want our light plant to be part of our commonwealth's solution to climate change, not exempted from it.

Thank you, Eleanor Perkins, [15 Chestnut Street, Wellesley, MA. 02481](https://www.google.com/maps/place/15+Chestnut+Street,+Wellesley,+MA+02481)

Sent from my iPad

FW: Use MLPs in the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:04 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:34 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Use MLPs in the Clean Energy Standard

From: Rose Pourheydarian
Sent: Wednesday, November 1, 2017 7:34:03 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Use MLPs in the Clean Energy Standard

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

*Warm regards,
Christine Pourheydarian*

FW: DEP stakeholder engagement process

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 10/19/2017 9:32 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, October 18, 2017 6:07 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: DEP stakeholder engagement process

From: Richard RYS
Sent: Wednesday, October 18, 2017 6:07:09 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: DEP stakeholder engagement process

DEP:

As a resident of Princeton, as a light commissioner in Princeton, and as a registered Professional Chemical Engineer, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Best regards,

Rick Rys P.E.

[128 Mountain Road](#)

[Princeton, MA 01541](#)

<http://www.r2controls.com>

508-369-5186 Mobile

FW: CLEAN ENERGY STANDARD

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:10 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 7:32 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: CLEAN ENERGY STANDARD

From: Colleen Sam
Sent: Monday, November 13, 2017 7:31:52 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: CLEAN ENERGY STANDARD

Hello,
My name is Colleen, and as a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you!

--

Colleen Sam
Wellesley College '19

FW: Municipal light plants and renewables

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 2:31 PM

CES and Auction Comments

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

-----Original Message-----

From: Strategies, Climate (DEP)

Sent: Wednesday, November 22, 2017 2:30 PM

To: Garfinkle, Jordan (DEP)

Subject: FW: Municipal light plants and renewables

From: Christopher Schaffner

Sent: Wednesday, November 22, 2017 2:29:54 PM (UTC-05:00) Eastern Time (US & Canada)

To: Strategies, Climate (DEP)

Subject: Municipal light plants and renewables

I'm a resident of Concord. I have been alerted about the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and not be exempted.

We need a clean grid - that means all of the grid, including Munis.

Chris Schaffner

[534 Old Marlboro Rd.](#)

[Concord MA 01742](#)

978-844-1464

FW: Clean Energy Standards

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Fri 11/17/2017 8:49 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

-----Original Message-----

From: Strategies, Climate (DEP)

Sent: Thursday, November 16, 2017 8:43 PM

To: Garfinkle, Jordan (DEP)

Subject: FW: Clean Energy Standards

From: Diane Sheahan

Sent: Thursday, November 16, 2017 8:43:20 PM (UTC-05:00) Eastern Time (US & Canada)

To: Strategies, Climate (DEP)

Subject: Clean Energy Standards

As residents of Middleton, MA, we have become aware of the stakeholders' sessions that DEP is holding in regards to the inclusion of Municipal Light Plants in the Clean Energy Standards.

We are writing to urge you to include MLPs in the Clean Energy Standard and to encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class 1 renewables. We believe that MLPs should be a part of the Commonwealth's solution to climate change and NOT be exempted.

Thank you for considering our request.

Diane R. Sheahan

Gerald A. Gove

[9 Francis Drive](#)
[Middleton, MA 01949](#)

Sent from my iPad

FW: Hold Wellesley's MLP to the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:04 AM

CES and Auction Comments

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:37 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Hold Wellesley's MLP to the Clean Energy Standard

From: Anya Sheldon
Sent: Wednesday, November 1, 2017 7:36:08 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Hold Wellesley's MLP to the Clean Energy Standard

To whom it may concern,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thanks,

Anya Sheldon (Wellesley College '20)

FW: Wellesley Sustainability

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/15/2017 12:40 PM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 15, 2017 12:14 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Wellesley Sustainability

From: Michelle Shen
Sent: Wednesday, November 15, 2017 12:13:23 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Wellesley Sustainability

Hello,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Sincerely,
Michelle Shen

FW: wellesley light plant

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:04 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:34 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: wellesley light plant

From: asilva@wellesley.edu
Sent: Wednesday, November 1, 2017 7:34:15 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: wellesley light plant

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

FW: MLP clean energy

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 10:29 AM

CES and Auction Comments

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 22, 2017 10:29 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: MLP clean energy

From: Lynn Stafford
Sent: Wednesday, November 22, 2017 10:28:44 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: MLP clean energy

We must look to our future wellbeing and that includes a safe and pollution free environment. As a resident of Hingham, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard. I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Thank you,
Lynn Stafford

Fw: Clean Energy Standards

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Mon 11/6/2017 4:10 PM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 6, 2017 2:28 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Clean Energy Standards

From: Jessica Stanton
Sent: Monday, November 6, 2017 2:28:08 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Clean Energy Standards

To the Massachusetts Department of Environmental Protection,

As a resident of Wellesley and a ratepayer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you for your attention to this matter.

Warm Regards,

*Jessica Stanton
172 Hampshire Road*

FW: Wellesley

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 10/24/2017 8:14 AM

CES and Auction Comments

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, October 23, 2017 5:28 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Wellesley

From: theermann family
Sent: Monday, October 23, 2017 5:27:43 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Wellesley

As a resident of Wellesley and a ratepayer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

*Thanks,
Theermann Family*

FW: Include MLPS in the in Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:05 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:40 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Include MLPS in the in Clean Energy Standard

From: Meghan Timmons
Sent: Wednesday, November 1, 2017 7:40:06 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Include MLPS in the in Clean Energy Standard

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

FW: Wellesley / MLPs / Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 10/19/2017 10:05 AM

CES and Auction Comments

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

-----Original Message-----

From: Strategies, Climate (DEP)

Sent: Thursday, October 19, 2017 10:04 AM

To: Garfinkle, Jordan (DEP)

Subject: FW: Wellesley / MLPs / Clean Energy Standard

From: Jay Turner

Sent: Thursday, October 19, 2017 10:04:24 AM (UTC-05:00) Eastern Time (US & Canada)

To: Strategies, Climate (DEP)

Subject: Wellesley / MLPs / Clean Energy Standard

I'm a professor at Wellesley College. I understand the DEP is soliciting comments on the inclusion of Municipal Light Plants in the state's Clean Energy Standard. I urge the DEP to include the state's MLPs in the clean energy standard - many MLPs are already actively working to expand the amount of renewables in their energy portfolios, and including them in this program will ensure that that progress continues going forward. Considering the state's appropriately ambitious long-term greenhouse gas reduction goals for 2020, 2025, and 2050, it is important that all energy providers be a part of that solution.

Jay Turner

Associate Professor

Environmental Studies Program

Wellesley College

[106 Central Street](#)

[Wellesley, MA](#)

781-283-2820

[https://urldefense.proofpoint.com/v2/url?u=http-](https://urldefense.proofpoint.com/v2/url?u=http-3A_new.wellesley.edu_environmentalstudies_facstaff_turner&d=DwIFaQ&c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uLVJLaSkeSxo-52diJgpilgWACTpJYocglzsTiyuFZA&m=zzmVvwLjp_7Xho0P9sOe9qVMmWPfbJXkeaOcj1q7HAQ&s=VR3OjO4xbl8sPmFLoFsQbgAmhaccp-vmTWPMekMVx_c&e=)

[3A_new.wellesley.edu_environmentalstudies_facstaff_turner&d=DwIFaQ&c=IDF7oMaPKXpkYvev9V-](https://urldefense.proofpoint.com/v2/url?u=http-3A_new.wellesley.edu_environmentalstudies_facstaff_turner&d=DwIFaQ&c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uLVJLaSkeSxo-52diJgpilgWACTpJYocglzsTiyuFZA&m=zzmVvwLjp_7Xho0P9sOe9qVMmWPfbJXkeaOcj1q7HAQ&s=VR3OjO4xbl8sPmFLoFsQbgAmhaccp-vmTWPMekMVx_c&e=)

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[mhaccp-vmTWPMekMVx_c&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_new.wellesley.edu_environmentalstudies_facstaff_turner&d=DwIFaQ&c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uLVJLaSkeSxo-52diJgpilgWACTpJYocglzsTiyuFZA&m=zzmVvwLjp_7Xho0P9sOe9qVMmWPfbJXkeaOcj1q7HAQ&s=VR3OjO4xbl8sPmFLoFsQbgAmhaccp-vmTWPMekMVx_c&e=)

FW: Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Thu 11/2/2017 9:04 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 01, 2017 7:37 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Clean Energy Standard

From: Ela Valencia
Sent: Wednesday, November 1, 2017 7:37:00 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Clean Energy Standard

To Whom it May Concern,

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Isabela

FW: MPLs vs. IOUs

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 8:30 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 21, 2017 6:10 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: MPLs vs. IOUs

From: Trish Waddleton
Sent: Tuesday, November 21, 2017 6:08:22 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: MPLs vs. IOUs

As a resident of Hull, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Please tell our town manager he's an idiot and he should stop holding us, the Town of Hull, back from becoming green and using the sun and the wind as an alternative to dirty energy. We have a group of solar homeowners who want to give their credits to people here in town who are having a hard time staying warm this winter. Phil doesn't want to do the paper work so their good will will go right out the window. He is holding our light dept back in the dark ages and there are a lot of people who are sick of it and him!

*Thank you for your attention,
Patricia Waddleton*

FW: Municipal Light Plants in Wellesley, MA

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:09 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Monday, November 13, 2017 6:41 PM
To: Garfinkle, Jordan (DEP)
Subject: FW: Municipal Light Plants in Wellesley, MA

From: Acadia Weinberg
Sent: Monday, November 13, 2017 6:41:24 PM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Municipal Light Plants in Wellesley, MA

My name is Acadia Weinberg, and I am a sophomore at Wellesley College. As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Clean, sustainable energy practices are crucial to the future of the environment that I am inheriting. Please do right by the environment and the generations of Massachusetts residents who will follow me.

Best,
Acadia Weinberg

FW: Stakeholder sessions to discuss including MLPs in the Clean Energy Standard.

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 11:54 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 22, 2017 11:52 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: Stakeholder sessions to discuss including MLPs in the Clean Energy Standard.

From: David Wetherbee
Sent: Wednesday, November 22, 2017 11:51:44 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Stakeholder sessions to discuss including MLPs in the Clean Energy Standard.

As a resident of Wellesley, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

David Wetherbee

5 Vane Street

Wellesley

FW:

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Wed 11/22/2017 11:59 AM

To: Opatovsky, Danielle <Danielle.Opatovsky@icf.com>; Segal, Katie <Katie.Segal@icf.com>;

From: Strategies, Climate (DEP)
Sent: Wednesday, November 22, 2017 11:59 AM
To: Garfinkle, Jordan (DEP)
Subject: FW:

From: Yuxi Xia
Sent: Wednesday, November 22, 2017 11:58:32 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject:

Dear Massachusetts DEP,

As a resident of Wellesley, I have become aware of the stakeholders sessions that the Department of Environmental Protection is holding in regards to the inclusion of Municipal Light Plants (MLPs) in the Clean Energy Standard.

I write to urge you to include MLP's in the Clean Energy Standard and encourage light plants to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of commonwealth's solution to climate change and not be exempted.

Sincerely,

Yuxi Xia

Wellesley College

FW: Include MLPs in the Clean Energy Standard

Garfinkle, Jordan (DEP) <jordan.garfinkle@state.ma.us>

Tue 11/14/2017 8:12 AM

CES and Auction Comments

To: Segal, Katie <Katie.Segal@icf.com>; Opatovsky, Danielle <Danielle.Opatovsky@icf.com>;

From: Strategies, Climate (DEP)
Sent: Tuesday, November 14, 2017 1:29 AM
To: Garfinkle, Jordan (DEP)
Subject: FW: Include MLPs in the Clean Energy Standard

From: Jannitta Yao
Sent: Tuesday, November 14, 2017 1:28:48 AM (UTC-05:00) Eastern Time (US & Canada)
To: Strategies, Climate (DEP)
Subject: Include MLPs in the Clean Energy Standard

To the Massachusetts Department of Environmental Protection:

As a resident of Wellesley and a customer of the Wellesley Municipal Light Plant (MLP), I am aware that the Department of Environmental Protection is holding stakeholder sessions regarding the inclusion of MLPs in the Clean Energy Standard. I write to urge you to include MLPs in the Clean Energy Standard and to require MLPs to plan for a steady integration of renewable energy resources, with a priority on Class I renewables. MLPs should be a part of the Commonwealth's solution to climate change and should not be exempted from the Clean Energy Standard.

Thank you!

--

Jannitta Yao
she/her/hers
Wellesley College Class of 2021