

SENATE No. 1518

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act promoting further renewable energy competition..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 11F of chapter 25A of the General Laws, as amended by section 32
2 of chapter 169 of the acts of 2008, is hereby amended by inserting after subsection (i) the
3 following new subsection:- (j) Commencing January 1, 2009, an electric generation facility or
4 other electric energy source shall not be eligible as a Class I or Class II renewable energy
5 generating source under this section 11F if such facility or source is owned or leased by any
6 entity that distributes electricity to end-use customers or by any affiliate of any such entity and
7 any costs of the entity's or its affiliate's acquisition, leasing, construction, financing, ownership
8 or operation of the facility or source are or will be recovered by the entity or its affiliate from
9 end-use customers through its rates or other cost recovery mechanism determined or allowed by
10 any non-municipal governmental regulatory authority. The foregoing shall not apply to any
11 renewable energy generating source for which the department issued a statement of qualification
12 under this section 11F prior to January 1, 2009 or to any facility or source approved for cost
13 recovery under section 1A(f) of chapter 164.