SENATE . . . . . No. 2400

Senate, June 30, 2016– Text of the Senate amendment to the House Bill to promote energy diversity (House, No. 4385) (being the text of Senate, No. 2372, printed as amended)

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35DDD the following section:-

Section 35EEE. There shall be an Oil Heat Fuel Energy Efficiency Trust Fund. The commissioner of energy resources shall be the trustee of the fund and may expend money in the fund to support oil heat energy efficiency programs. There shall be credited to the fund: (i) the $0.025 per gallon systems benefit assessment on each gallon of oil heat fuel sold for residential or commercial use in the commonwealth under section 11J of chapter 25A; (ii) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (iii) funds from public or private sources including, but not limited to, gifts, grants, donations, rebates and settlements that are specifically designated to be credited to the fund; and (iv) the interest earned on money in the fund. The amounts credited to the fund shall not be subject to appropriation and money remaining in the fund at the close of a fiscal year shall not revert to the General Fund.

The commissioner shall expend not less than 20 per cent of the funds collected on comprehensive low-income residential oil heat energy efficiency and education programs and

16 may expend funds on designing, marketing and providing cost-effective energy efficiency
17 programs for residential and commercial customers who utilize oil heat fuel for space heat or
18 domestic hot water heating and any other use under section 11J of chapter 25A.

19 Annually, not later than March 1, the commissioner shall submit a report detailing: (i) the
20 quarterly assessments collected under section 11J of chapter 25A; (ii) additional money
21 deposited in the fund; and (iii) the amount of disbursements made, including the recipient and
22 uses of the disbursements. The report shall be filed with the clerks of the senate and house of
23 representatives and the house and senate chairs of the joint committee on telecommunications,
24 utilities and energy.

25 SECTION 2. Chapter 10 of the General Laws is hereby amended by adding the
26 following section:-

27 Section 76. (a) For the purposes of this section the following words shall have the
28 following meanings unless the context clearly requires otherwise:

29 "Affiliate", a business that directly or indirectly controls or is controlled by or is under
30 direct or indirect common control with another business including, but not limited to, a business
31 with whom a business is merged or consolidated, or which purchases all or substantially all of
32 the assets of a business.

33 "Decommissioning", closing and decontaminating a nuclear power station and nuclear
34 power site including dismantling the facility, removing the nuclear fuel, coolant and nuclear
35 waste from the site, releasing the site for unrestricted use and terminating the license; provided
36 however, that, for the purposes of this section, SAFSTOR shall not be decommissioning.

37 “Nuclear power station”, a commercial facility that uses or used nuclear fuel to generate
38 electric power.

39 “Post-closure”, the period beginning when a nuclear power station has ceased generating
40 electric power and ending when the nuclear power station and station site have been completely
41 decommissioned.

42 “Post-closure activities”, the activities at or in connection with a nuclear power station
43 and station site during post-closure including, but not limited to, moving spent nuclear fuel into
44 dry casks, job training, site and environmental cleanup, off-site emergency planning, SAFSTOR
45 and decommissioning.

46 (b) Each nuclear power station shall pay an annual post-closure funding fee of
47 $25,000,000 if the station is not fully decommissioned within 5 years of the time the power
48 station ceases generating electric power. The fee shall be assessed by the executive office of
49 energy and environmental affairs annually on the owner or affiliate of each nuclear power station
50 on March 1 and shall be paid to the state treasurer for deposit into the Nuclear Power Station
51 Decommissioning Trust Fund established in subsection (c). The fee shall be paid until: (i) the
52 nuclear power station is fully decommissioned as required under regulations promulgated by the
53 United States Nuclear Regulatory Commission; and (ii) the executive office of energy and
54 environmental affairs issues, after notice and an opportunity to be heard, an order finding that
55 post-closure activities have been completed.

56 (c) There shall be a Nuclear Power Station Post-closure Trust Fund. The state treasurer
57 shall serve as trustee of the fund and shall make expenditures from the fund to support
58 decommissioning measures including: (i) payments for not less than 1 post-closure activity

59 completed at a nuclear power station site, but only after the money in a federal decommissioning
60 trust fund is exhausted; and (ii) payments to a person or entity named in an issuance of
61 authorization from the executive office of energy and environmental affairs stating the amount to
62 be disbursed and the completed post-closure activities to which the amount applies. The fund
63 shall consist of: (i) the fee collected under subsection (b); and (ii) the interest earned on the
64 money in the fund. Amounts credited to the fund shall not be subject to further appropriation and
65 money remaining in the fund at the close of a fiscal year shall not revert to the General Fund.

66 (d) The executive office of energy and environmental affairs shall not issue authorization
67 for payment except upon the receipt of: (i) an affidavit or declaration, executed by an entity or
68 person responsible for completing the relevant post-closure activity at a nuclear power station
69 under the pains and penalties of perjury, identifying completed post-closure activity with respect
70 to which a disbursement is requested and setting forth facts establishing that each such activity
71 has been completed and the costs incurred by the nuclear power station owner with respect to
72 each such activity; and (ii) verification of the facts in the affidavit or declaration by the executive
73 office of energy and environmental affairs or another appropriate state agency.

74 The secretary of energy and environmental affairs shall determine the appropriate form,
75 content and supporting information necessary for the affidavit or declaration. Money disbursed
76 under this section in reliance on a false certification to the secretary of energy and environmental
77 affairs may be recovered from the entity or person receiving the disbursement, with interest,
78 through an action by the attorney general. A false certification shall be subject to section 5B of
79 chapter 12.

80 (e) The balance of the Nuclear Power Station Post-closure Trust Fund shall be returned to
81 the owner or affiliate of the nuclear power station upon the issuance of an order, after notice and
82 opportunity for hearing, finding that the post-closure activities at the station have been completed
83 by the executive office of energy and environmental affairs.

84 SECTION 3. The first paragraph of subsection (a) of section 11E of chapter 12 of the
85 General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the
86 second sentence and inserting in place thereof the following sentence:- "The attorney general,
87 through the office of ratepayer advocacy, may intervene, appear and participate in
88 administrative, regulatory or judicial proceedings on behalf of any group of consumers in
89 connection with a matter involving a company doing business in the commonwealth and subject
90 to the jurisdiction of the department of public utilities or the department of telecommunications
91 and cable under chapters 164 to 166, inclusive.

92 SECTION 4. Section 97A of chapter 13 of the General Laws, as so appearing, is hereby
93 amended by striking out, in line 5, the words "documents to be provided" and inserting in place
94 thereof the following words:- that the results of a home energy audit and the residential
95 dwelling's energy rating and label as established by the department of energy resources in
96 section 11G½ of chapter 25A be made available.

97 SECTION 5. Said section 97A of said chapter 13, as so appearing, is hereby further
98 amended by striking out, in lines 8 and 9, the words "closing, outlining the procedures and
99 benefits of a home energy audit; provided however, that" and inserting in place thereof the
100 following words:- "listing; provided, however, that if there is no public listing, the home energy
101 audit and the residential dwelling's energy rating and label shall be made available prior to the

102 time of the signing of the purchase and sale agreement; provided further, that the home energy
103 audit and residential dwelling's energy rating shall be valid under this section for 3 years; and
104 provided further, that.

105 SECTION 6. Said section 97A of said chapter 13, as so appearing, is hereby further
106 amended by adding the following 3 paragraphs:-

107 Notwithstanding the previous paragraph, a sale or transfer of a dwelling in the following
108 circumstances shall not require the disclosure of the results of a home energy audit and energy
109 assessment and may include documents disclosing the procedures and benefits of a home energy
110 audit: (i) a foreclosure or pre-foreclosure sale; (ii) a deeded or trustee sale; (iii) a transfer of title
111 related to the exercise of eminent domain; (iv) a sale between family members; (v) a sale under
112 court order; (vi) a sale under a decree of legal separation or divorce; or (vii) a sale or transfer that
113 involves a dwelling that is designated on the National Register of Historic Places or the state
114 register of historic places as a historic building or landmark.

115 The regulations under this section may include exemptions of the requirements for a
116 home energy audit for dwellings that were constructed within 3 years of the listing or sale and
117 that comply with the most recent energy provisions of the state building code that are applicable
118 to residential buildings.

119 The department of energy resources, in consultation with the energy efficiency advisory
120 council, shall track and publicly report, not less than quarterly, the number of home energy audits
121 conducted and energy ratings and labels issued.

122 SECTION 7. Chapter 21A of the General Laws is hereby amended by inserting after
123 section 26 the following section:-

124 Section 27. (a) Not later than June 1, 2017, and every 2 years thereafter, the secretary of
125 energy and environmental affairs or a designee, the secretary of transportation or a designee and
126 the commissioner of environmental protection or a designee, hereinafter referred to as "the
127 board", with the participation of the department of energy resources and the department of public
128 utilities, together with other agencies that the board may designate, and in consultation with other
129 secretariats as the governor may determine, shall promulgate a comprehensive energy plan for
130 the commonwealth, hereinafter referred to as "the plan". In developing the plan, the board shall
131 also consult with ISO New England Inc. and with the commonwealth's electric and gas utilities.

132 (b) The plan shall be consistent with any climate adaption plan and shall include, but not
133 be limited to, the following goals and requirements:

134 (i) the plan should comply with the laws and policies governing energy including
135 chapter 298 of the acts of 2008;

136 (ii) the plan shall prioritize meeting energy needs first through conservation and
137 cost-effective energy efficiency and other cost-effective demand-reduction resources, and to the
138 maximum extent feasible, energy needs should be met with cost-effective renewable resources
139 and cogeneration;

140 (iii) the relationship of energy needs for electricity, transportation and building
141 heat, as well as the reduction of greenhouse gas and other air pollution emissions from the
142 transportation and building heating sector, shall be considered; and

143 (iv) the plan should provide for reliable and accessible energy that is as cost-
144 effective as is reasonably achievable.

145 (c) the plan shall include, and be based upon, reasonable projections of the
146 commonwealth's energy needs for electricity, thermal conditioning and transportation and shall
147 be designed to respond to those needs in a timely and cost-effective way that meet the targets for
148 reduction in greenhouse gas emissions under chapter 298 of the acts of 2008.

149 (d) the plan shall consider the energy needs of the states that border the commonwealth
150 and strategies to capture economics of scale and other benefits that may be derived from
151 collaboration or regional initiatives.

152 (e) Upon the adoption of the plan, the certificates, licenses, permits, authorizations, grants
153 and other actions and activities by a state agency or authority shall be consistent, to the
154 maximum extent feasible, with the plan.

155 (f) There shall be an energy plan advisory committee to assist in the development of the
156 plan: 1 of whom shall be the secretary of energy and environmental affairs, who shall serve as
157 chair; 1 of whom shall be the secretary of administration and finance; 1 of whom shall be the
158 secretary of transportation; 1 of whom shall be appointed by the attorney general; 1 of whom
159 shall be appointed by speaker of the house of representatives; 1 of whom shall be appointed by
160 the house minority leader; 1 of whom shall be appointed by the president of the senate; 1 of
161 whom shall be appointed by the senate minority leader; and 9 of whom shall be appointed by the
162 governor: 1 of whom shall represent consumers, 1 of whom who shall represent low-income
163 residents, 1 of whom who shall represent large employers, 1 of whom who shall represent small
164 employers, 1 of whom who shall represent the renewable energy industry, 1 of whom who shall

165 be from an environmental organization, 1 of whom shall represent an investor-owned local
166 distribution company, 1 of whom shall represent the energy efficiency industry and 1 of whom
167 shall represent a municipal-owned local distribution company. The energy plan advisory
168 committee shall prepare a reportto be delivered to the board every 3 years, 6 months prior to the
169 triennial June 1 promulgation date for the plan. The energy plan advisory committee may retain
170 expert consultants; provided, however, that the consultants shall not have a contractual
171 relationship with an electric or natural gas distribution company doing business in the
172 commonwealth or an affiliate of such a company.

173 After receiving the report of the energy plan advisory committee, the board shall modify
174 the plan, if appropriate, and shall provide for public notice and comment on the plan by
175 conveningno fewer than 5 hearings on the plan across the commonwealth. After receiving public
176 comment, the board shall further modify the plan, if appropriate, and shall then issue a final plan,
177 which shall be filed, together with any proposed legislation necessary to implement the plan,
178 with the clerks of the senate and the house of representatives and the senate and house chairs of
179 the joint committee on telecommunications, utilities and energy.

180 SECTION 8. Subsection (b) of section 3 of chapter 21N of the General Laws, as
181 appearing in the 2014 Official Edition, is hereby amended by striking out clauses (2) and (3) and
182 inserting in place thereof the following 2 clauses:- (2) a 2030 statewide greenhouse gas
183 emissions limit accompanied by plans to achieve this limit pursuant to said section 4; provided,
184 however, that the 2030 statewide greenhouse gas emissions limits shall maximize the ability of
185 the commonwealth to meet the 2050 statewide greenhouse gas emissions limit; (3) a 2040
186 statewide greenhouse gas emissions limit accompanied by plans to achieve this limit pursuant to

said section 4; provided, however, that the 2040 statewide greenhouse gas emissions limit shall maximize the ability of the commonwealth to meet the 2050 statewide greenhouse gas emissions limit.

SECTION 9. Subsection (a) of section 4 of said chapter 21N, as so appearing, is hereby amended by inserting after the first sentence the following 2 sentences:- The secretary shall adopt the 2030 statewide greenhouse gas emissions limit pursuant to subsection (b) of section 3 which shall be between 35 per cent and 45 per cent below the 1990 emissions level and a plan for achieving that reduction. The secretary shall adopt the 2040 statewide greenhouse gas emissions limit pursuant to said subsection (b) of said section 3 which shall be between 55 per cent and 65 per cent below the 1990 emissions level and a plan for achieving that reduction.

SECTION 10. Said subsection (a) of said section 4 of said chapter 21N, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The 2020, 2030 and 2040 statewide greenhouse gas emissions limits and implementation plans shall comply with this section.

SECTION 11. Said section 4 of said chapter 21N, as so appearing, is hereby amended by striking out, in line 17, the word "limit" and inserting in place thereof the following word:- limits.

SECTION 12. Said section 4 of said chapter 21N, as so appearing, is hereby further amended by striking out, in line 42, the words "2020 emission limit and implementing plan" and inserting in place thereof the following words:- 2020, 2030 and 2040 statewide greenhouse gas emissions limits and implementing plans.

208 SECTION 13. The General Laws are hereby amended by inserting after chapter 21O the
209 following chapter:-

210 CHAPTER 21P.

211 COMPREHENSIVE ADAPTATION MANAGEMENT ACTION PLANNING IN RESPONSE
212 TO CLIMATE CHANGE.

213 Section 1. As used in this chapter, the following words shall have the following meanings
214 unless the context clearly requires otherwise:

215 "Adaptation", a response and process of adjustment to actual or expected climate change
216 and its effects that seeks to increase the resiliency and reduce the vulnerability of the
217 commonwealth's built and natural environments and seeks to moderate or avoid harm or exploit
218 beneficial opportunities to reduce the safety and health risks that vulnerable human populations
219 and resources may encounter due to climate change.

220 "Executive office", the executive office of energy and environmental affairs.

221 "Hazard mitigation", an effort using nonstructural measures to reduce loss of life and
222 property by lessening the impacts of major storms.

223 "Plan", the comprehensive adaptation management action plan.

224 "Public utility company", a public utility company as defined in clause (7) of paragraph
225 (j) of section 5 of chapter 21E.

226 "Resilience", the ability to respond and adapt to changing conditions and withstand and
227 rapidly recover with minimal damage from disruption due to climate-related events and impacts

228 that may include, but shall not be limited to, shoreline improvement, seawall maintenance and
229 expansion, infrastructure improvement or innovative building design and construction.

230 "State agency", a legal entity of state government established by the legislature as an
231 agency, board, bureau, department, office or division of the commonwealth with a specific
232 mission that may either report to an executive office or secretariat or be independent division or
233 department.

234 "State authority", a body politic and corporate constituted as a public instrumentality of
235 the commonwealth and established by an act of the legislature to serve an essential governmental
236 function; provided, however, that state authority shall include energy generation and
237 transmission, solid waste, drinking water, wastewater and stormwater and telecommunication
238 utilities serving areas identified by the executive office as subject to material risk of flooding and
239 shall not include, unless designated as such by the secretary of energy and environmental affairs:
240 (i) a state agency; (ii) a city or town; (iii) a body controlled by a city or town; or (iv) a separate
241 body politic for which the governing body is elected, in whole or in part, by the general public or
242 by representatives of member cities or towns.

243 Section 2. (a) The secretary of energy and environmental affairs and the secretary of
244 public safety and security, in consultation with appropriate secretariats as determined by the
245 governor, shall develop, draft, adopt and revise, at least once every 10 years, a comprehensive
246 adaptation management action plan. The plan shall encourage and provide guidance to state
247 agencies, state authorities and regional planning agencies to proactively address the
248 consequences of climate change. The plan shall also provide a process for local and regional
249 climate vulnerability assessment and adaptation strategy development and implementation and

250 may encourage and provide guidance to cities and towns to proactively address the consequences
251 of climate change. The plan and any updates shall be filed with clerks of the senate and the house
252 of representatives. The plan shall be developed with guidance from the comprehensive
253 adaptation management action plan advisory commission established in section 3.

254 Upon the adoption of the plan, the certificates, licenses, permits, authorizations, grants,
255 financial obligations, projects, actions and approvals for proposed projects, uses or activities in
256 and by a state agency or state authority shall be consistent, to the maximum extent practicable,
257 with the plan.

258 (b) The plan shall include, but not be limited to: (i) a statement setting forth the
259 commonwealth's goals, priorities and principles for ensuring effective prioritization for the
260 resiliency, preservation, protection, restoration and enhancement of the commonwealth's built
261 and natural infrastructure; (ii) a commitment to sound management practices, which shall take
262 into account the existing natural, built and economic characteristics of the commonwealth's most
263 vulnerable areas and human populations; (iii) data on existing and projected climate trends,
264 according to the best and latest data, forecasting and models including, but not limited to,
265 changes for temperature, precipitation, drought, sea level, and inland and coastal flooding; (iv) a
266 statement on the preparedness and vulnerabilities in the commonwealth's emergency response
267 and infrastructure resiliency including, but not limited to, energy, transportation,
268 communications, health and other systems; (v) an assessment of economic vulnerability,
269 including but not limited to, local businesses in high-risk communities; and (vi) an assessment of
270 natural resources and ecosystems, identifying vulnerabilities and strategies to preserve, protect,
271 restore and enhance.

272 Section 3. (a) There shall be a comprehensive adaptation management action plan
273 advisory commission to assist the secretary of energy and environmental affairs and the secretary
274 of public safety and security in developing the comprehensive adaptation management plan. The
275 commission shall consist of: the secretary of the energy and environmental affairs or a designee;
276 the secretary of public safety and security or a designee; 1 person from the University of
277 Massachusetts with expertise in climate science chosen by the university; and 18 persons to be
278 appointed by the secretary of energy and environmental affairs and the secretary of public safety
279 and security, 1 of whom shall have expertise in transportation and built infrastructure, 1 of whom
280 shall have expertise in commercial, industrial and manufacturing activities, 1 of whom shall have
281 expertise in commercial and residential property management and real estate, 1 of whom shall
282 have expertise in energy generation and distribution, 1 of whom shall have expertise in wildlife
283 and land conservation, 1 of whom shall have expertise in water supply and conservation, 1 of
284 whom shall have expertise in the outdoor recreation economy, 1 of whom shall have expertise in
285 economic and environmental justice, 1 of whom shall have expertise in ecosystem dynamics, 1
286 of whom shall have expertise in coastal zones and oceans, 1 of whom shall have expertise in
287 rivers and wetlands, 1 of whom shall be a professional engineer, 1 of whom shall be from a
288 statewide nonprofit land and water conservation organization, 1 of whom shall have expertise in
289 historic and cultural resources, 1 of whom shall be a property owner in a coastal community, 1 of
290 whom shall have expertise in small business administration, 1 of whom shall be a certified
291 floodplain manager and 1 of whom shall have expertise in local government. The secretary of
292 energy and environmental affairs and the secretary of public safety and security shall jointly
293 designate an appointee to serve as chair.

294 (b) The advisory commission shall prepare a report:

295 (1) identifying: (i) how the secretary of energy and environmental affairs can support the
296 existing adaptation, resilience and hazard mitigation efforts of state agencies, including, but not
297 limited to, the StormSmart Coasts program at the office of coastal zone management, the coastal
298 erosion commission report, BioMap2 at the department of fish and game and vulnerability
299 studies being conducted by the department of public health and the Massachusetts Department of
300 Transportation; (ii) recommendations of new actions that may be implemented immediately
301 using existing state agency legal authority, state resources and funding based upon the
302 recommendations included in the climate change adaptation report prepared pursuant to section 9
303 of chapter 298 of the acts of 2008 and existing climate change action plans prepared by regional
304 planning agencies and municipalities; (iii) unilateral actions that can be taken by the executive
305 branch to increase climate adaptation, resilience and hazard mitigation including, but not limited
306 to, executive orders and policy directives issued by the governor or policies, regulations and
307 guidance by the secretary of energy and environmental affairs; (iv) recommendations of new
308 climate resilience and adaptation actions that require legislative authority, state resources or
309 funding, including the identification of funds to leverage opportunities through public-private
310 partnerships; and (v) the cost of climate adaptation within the 10-year term of the plan, based
311 upon the adaptation actions recommended in the report, existing climate action plans, including
312 those prepared by regional planning councils, municipal and state agency cost assessments
313 outlined in section 4; and

314 (2) providing information relative to the risks associated with climate change, both means
315 and extremes, including, but not limited to, the risks associated with changes in temperature,
316 drought, increased precipitation and coastal and inland flooding identified by the advisory

317 committee on flood risks created by climate change established under section 39 of chapter 52 of
318 the acts of 2014.

319 Section 4. Each state agency, state authority and public utility, as designated by the
320 secretary of environmental affairs and the secretary of public safety and security, shall, in
321 consultation with the executive office, develop and update, at least once every 10 years, a
322 vulnerability and adaptation assessment for their portfolio of assets based on the relevant
323 scientific data and information collected by the comprehensive adaptation management action
324 plan advisory commission pursuant to section 3. The vulnerability assessments shall classify the
325 economic losses over time that are associated with each major asset for the relevant climate risks
326 including, but not limited to, coastal and inland flooding and extreme heat, as unacceptable,
327 noncritical or immaterial. For assets exposed to material risk of unacceptable losses, the
328 vulnerability assessment shall include order-of-magnitude cost-estimates for: (i) measures to
329 protect the assets; (ii) measures to make the assets resilient; and (iii) removal and relocation of
330 the assets from exposed areas. Estimates shall also be prepared for the economic, social and
331 environmental damages that will result if no adaptation actions are taken. Qualitative cost-benefit
332 discussions of projected social impacts of flood prevention versus flood resilience shall also be
333 included in the vulnerability assessment.

334 Section 5. The secretary of energy and environmental affairs and the secretary of public
335 safety and security shall, at least 6 months before establishing a comprehensive plan pursuant to
336 this chapter, provide for public access to the draft plan in electronic and printed copy form and
337 shall provide for a public comment period, which shall include at least 5 public hearings across
338 the commonwealth. The secretary of energy and environmental affairs and the secretary of public
339 safety and security shall publish notice of a public hearing in the environmental monitor at least

340 30 days but not more than 35 days before the date of a hearing. A notice of a public hearing shall
341 also be placed at least once each week for the 4 consecutive weeks preceding the hearing in
342 newspapers with sufficient circulation to notify the residents of the municipality in which the
343 hearings shall be held. The public comment period shall remain open for at least 60 days from
344 the date of the final public hearing. After the close of the public comment period, the secretary of
345 energy and environmental affairs and the secretary of public safety and security shall issue a
346 final plan and shall file the plan, together with legislation necessary to implement the plan, if
347 any, by filing the same with the clerks of the senate and the house of representatives.

348 Section 6. The plan shall be consistent with this chapter and other general and special
349 laws. Nothing in the plan shall be construed to supersede existing general or special laws, to
350 confer a right or to adversely impact existing rights or remedies in addition to those conferred by
351 the general or special laws existing on the effective date of this chapter.

352 SECTION 14. Section 21 of chapter 25 of the General Laws, as appearing in the 2014
353 Official Edition, is hereby amended by striking out, in line 51, the word "and".

354 SECTION 15. Clause (iv) of paragraph (2) of subsection (b) of said section 21 of said
355 chapter 25, as so appearing, is hereby amended by striking out subclause (I) and inserting in
356 place thereof the following 2 subclauses:- "(I) programs for public education regarding energy
357 efficiency and demand management; and (J) energy storage system programs designed to
358 enhance demand side management.

359 SECTION 16. Section 11F of chapter 25A of the General Laws, as so appearing, is
360 hereby amended by striking out, in lines 16 and 17, the words "and (3) an additional 1 per cent of

361 sales" and inserting in place thereof the following words:- (3) an additional 1 per cent of sales
362 every year until December 31, 2016; and (4) an additional 2 per cent of sales.

363 SECTION 17. Section 11F½ of said chapter 25A, as so appearing, is hereby amended by
364 inserting after the word "biofuel", in line 16, the following words:- , waste-to-energy that is a
365 component of conventional municipal solid waste plant technology in commercial use.

366 SECTION 18. Said section 11F½ of said chapter 25A, as so appearing, is hereby further
367 amended by striking out, in line 24, the words "or (v)" and inserting in place thereof the
368 following words:- (v) fuel cells; or (vi).

369 SECTION 19. Said section 11F½ of said chapter 25A, as so appearing, is hereby further
370 amended by inserting after the word "energy", in line 30, the following words:- or fuel cell
371 technology.

372 SECTION 20. Said section 11F½ of said chapter 25A, as so appearing, is hereby further
373 amended by inserting after the word "for", in line 70, the following words:- fuel cells and.

374 SECTION 21. Said section 11F½ of said chapter 25A, as so appearing, is hereby further
375 amended by striking out, in lines 73 and 74, the words "renewable thermal".

376 SECTION 22. Said chapter 25A is hereby amended by inserting after section 11G the
377 following section:-

378 Section 11G½. (a) The department shall establish an energy rating and labeling system
379 that stores and provides information regarding energy performance of single family residential
380 dwellings, multi-family residential dwellings with less than 5 units and condominium units. The

381 energy rating and labeling system shall provide a consistent scoring method regarding the energy
382 performance of a residential dwelling that is based upon the physical assets of the unit. The
383 energy rating and labeling system shall include, but not be limited to, information regarding
384 annual: (i) energy consumption by fuel; (ii) energy costs for electricity and thermal needs; and
385 (iii) carbon or greenhouse gas emissions.

386 (b) The home energy rating and label shall be provided to the owner of a single-family
387 residential dwelling, a multi -family residential dwelling with less than 5 units and a
388 condominium as part of: (i) a home energy assessment or in-home visit by qualified home energy
389 assessors provided as part of the energy efficiency investment plan pursuant to section 21 of
390 chapter 25 of the General Laws; (ii) a RESNET Home Energy Rating System rating assessment,
391 by a RESNET-qualified home energy rater; or (iii) any other qualified energy assessment as
392 determined by the department. A home energy rating and label provider shall provide an
393 electronic record to the department with sufficient data to reproduce each unit's home energy
394 rating and label within 30 days after the completion of the label.

395 (c) The department may promulgate regulations that are necessary to implement this
396 section

397 SECTION 23. Said chapter 25A is hereby further amended by inserting after section 11I
398 the following section:-

399 Section 11J. (a) For the purposes of this section the following words shall have the
400 following meanings unless the context clearly requires otherwise:

401 “Fuel oil industry” or “oil heat industry”, persons in the production, transportation or sale
402 of oil heat fuel and persons engaged in the manufacture or distribution of oil heat fuel utilization
403 equipment, not including the ultimate consumers of oil heat fuel.

404 “No. 1 distillate”, fuel oil classified as No. 1 distillate by ASTM International.

405 “No. 2 dyed distillate”, fuel oil classified as No. 2 distillate by ASTM International that
406 is indelibly dyed under the Internal Revenue Code, 26 U.S.C. 4082(a)(2).

407 “Cost Effective”, with respect to an energy efficiency program, the program meets a cost-
408 benefit test, which requires that the net present value of economic benefits over the life of the
409 program or measure, including avoided supply and delivery costs and deferred or avoided
410 investments, environmental benefits and avoided environmental costs, avoided operation and
411 maintenance costs and other appropriate energy and non-energy benefits as determined by the
412 department, is greater than the net present value of the costs over the life of the program.

413 “Energy efficiency advisory council”, the energy efficiency advisory council established
414 pursuant to section 22 of chapter 25.

415 “Oil heat fuel”, No.1 distillate and No.2 dyed distillate that is used as a fuel for
416 residential or commercial space or hot water heating.

417 "Person", a natural person, corporation or other legal entity.

418 “Program administrator”, an electric distribution company or municipal aggregator with
419 an energy plan certified by the department of public utilities.

420 “Retail marketer”, a person engaged primarily in the sale of oil heat fuel to ultimate
421 consumers.

422 “Wholesale distributor”, a person that: (i) produces No. 1 distillate or No. 2 dyed
423 distillate, imports No. 1 distillate or No. 2 dyed distillate, blends No. 1 distillate or No. 2 dyed
424 distillate with biodiesel or biofuels or transports No. 1 distillate or No. 2 dyed distillate across
425 state boundaries or among local marketing areas; and (ii) sells the products to retail home or
426 commercial heating oil companies for resale.

427 (b) (1) The department shall require a systems benefit assessment of $.025 per gallon on
428 each gallon of oil heat fuel sold for residential or commercial use in the commonwealth in order
429 to establish oil heat energy efficiency programs. The assessment shall be collected at the point of
430 sale of oil heat fuel by a wholesale distributor to a person other than a wholesale distributor,
431 including a sale made pursuant to an exchange. A wholesale distributor shall be responsible for
432 payment of the assessment to the department on a quarterly basis and shall provide to the
433 department certification of the volume of fuel sold. No. 1 distillate and No. 2 dyed distillate fuel
434 sold for uses other than as oil heat fuel are excluded from the assessment. Distillate fuel used by
435 vessels, railroad, utilities, farmers and the military are exempt from the assessment. The
436 department shall deposit the assessment collected in the Oil Heat Fuel Energy Efficiency Trust
437 Fund under section 35EEE of chapter 10.

438 (2) The funds shall be disbursed by the commissioner of energy resources to the program
439 administrators and expended by the program administrators pursuant to this section, and subject
440 to the approval of the energy efficiency advisory council established in section 22 of chapter 25,

441 to design, market and provide cost-effective energy efficiency programs for residential and
442 commercial customers who utilize oil heat fuel for space heat or domestic hot water heating.

443 At least 20 per cent of the funds collected shall be spent on comprehensive low-income
444 residential oil heat energy efficiency and education programs. The commissioner shall designate
445 that these programs be implemented through the low-income weatherization and fuel assistance
446 program network administered by the department of housing and community development.

447 (c) (1) The energy efficiency advisory council shall advise the department on all aspects
448 of oil energy efficiency funds and programs. An action of the council pertaining to disbursement
449 of oil heat efficiency funds and programs shall require a majority vote.

450 The energy efficiency advisory council shall establish a target budget designed to ramp-
451 up over time to capture cost-effective energy efficiency for heating oil and a corresponding
452 annual assessment designed to recover enough money to fund the programs.

453 (2) The program administrators shall incorporate oil heat energy efficiency programs into
454 their energy efficiency investment plans developed pursuant to section 21 of chapter 25. The
455 department may allow for transitional, 1-year plans in order to achieve consistency with said
456 section 21 of said chapter 25.

457 (3) Programs shall be designed to treat all energy use in a building in a comprehensive
458 and coordinated fashion with maximum use of common program designs, integrated programs
459 and a common pool of energy efficiency vendors and contractors who can treat the energy use in
460 a building comprehensively.

461 The financial incentives used in the programs may be a combination of low or 0 interest
462 loans or direct rebates and other financial incentives. Incentives for oil heating system
463 replacements under this section shall be used for efficient, new oil heating systems.

464 (4) The energy efficiency advisory council shall solicit input from the oil heat industry,
465 consumer groups and low-income advocacy groups regarding the implementation of this section
466 and delivery of program services.

467 (5) From time to time, the program administrators shall undertake, or cause to be
468 undertaken, an assessment of cost effective oil heat energy efficiency resource potential in the
469 commonwealth.

470 (6) The energy efficiency advisory council, in collaboration with the program
471 administrator, shall prepare an annual report for submission to the house and senate chairs of the
472 joint committee on telecommunications, utilities and energy and the public through the
473 department of energy resources that shall include, but shall not limited to: a description of the
474 amount and use of proceeds from the oil heat systems benefit assessment; a description of the
475 energy efficiency programs funded through the proceeds; the demonstration of consumer
476 savings, cost-effectiveness and the lifetime and annual energy savings achieved by the energy
477 efficiency programs funded; and the lifetime and annual greenhouse gas emissions benefits
478 achieved by energy efficiency programs funded.

479 SECTION 24. Said chapter 25A is hereby further amended by adding the following
480 section:-

481 Section 16. (a) The following words shall have the following meanings unless the context
482 clearly requires otherwise:-

483 “Battery electric vehicle”, a vehicle that draws propulsion energy solely from an on-
484 board electrical energy storage device during operation that is charged from an external source of
485 electricity.

486 “Electric vehicle”, a battery electric vehicle or plug-in hybrid electric vehicle.

487 “Electric vehicle charging services”, the transfer of electric energy from an electric
488 vehicle charging station to a battery or other storage device in an electric vehicle, as well as
489 billing services, networking and operation and maintenance.

490 “Electric vehicle charging station”, an electric component assembly or cluster of
491 component assemblies designed specifically to charge batteries within electric vehicles by
492 permitting the transfer of electric energy to a battery or other storage device in an electric
493 vehicle.

494 “Fuel cell vehicle”, a vehicle with an on-board fuel cell used to provide all or part of the
495 motive power of the vehicle.

496 “Interoperability billing standards”, the ability for a member of 1 electric charging station
497 billing network to use another billing network.

498 “Network roaming”, the act of a member of 1 electric vehicle charging station billing
499 network using a charging station that is outside of the member's billing network with the
500 member’s billing network account information.

501 “Public electric vehicle charging station”, an electric vehicle charging station located at a
502 publicly available parking space.

503 “Publicly available parking space”, a parking space that has been designated by a
504 property owner or lessee to be available to, and accessible by, the public and may include on-
505 street parking spaces and parking spaces in surface lots or parking garages; provided, however,
506 that “publicly available parking space” shall not include a parking space that is part of, or
507 associated with, a private residence or a parking space that is reserved for the exclusive use of an
508 individual driver or vehicle or for a group of drivers or vehicles including employees, tenants,
509 visitors, residents of a common interest development or residents of an adjacent building.

510 “Plug-in hybrid electric vehicle”, a vehicle with an on-board electrical energy storage
511 device that can be recharged from an external source of electricity but also has the capability to
512 run on another fuel.

513 “Zero emissions vehicle”, a battery electric vehicle, a plug-in hybrid electric vehicle or a
514 fuel cell vehicle.

515 (b) A person desiring to use a public electric vehicle charging station shall not be
516 required to pay a subscription fee in order to use the station and shall not be required to obtain
517 membership in a club, association or organization as a condition of using the station. Owners and
518 operators of public electric vehicle charging stations may have separate price schedules
519 conditional on a subscription or membership.

520 (c) The owner or lessee of a publicly available parking space, whose primary business is
521 not electric vehicle charging services, may restrict the use of that parking space, including by
522 limiting use to customers and visitors of the business.

523 (d) The owner or operator of a public electric vehicle charging station shall provide
524 payment options that allow access by the general public.

525 (e) The owner or operator of a public electric vehicle charging station or a designee shall
526 disclose on an ongoing basis to the National Renewable Energy Laboratory, or other publicly
527 available database subsequently designated by the department of energy resources, the station's
528 geographic location, hours of operation, charging level, hardware compatibility, a schedule of
529 fees, accepted methods of payment and the amount of network roaming charges for
530 nonmembers, if any.

531 (f) Unreasonable restrictions of electric vehicle charging stations in common interest
532 development areas shall be prohibited.

533 SECTION 25. Section 22A of chapter 40 of the General Laws, as appearing in the 2014
534 Official Edition, is hereby amended by adding the following paragraph:—

535 A city or town acting under this section with respect to ways within its control, or under
536 the authority granted under chapter 40A with respect to zoning, may regulate the parking of
537 vehicles by restricting certain areas or requiring that certain areas be restricted for the parking of
538 a zero emission vehicle, as defined in section 16 of chapter 25A. An ordinance, by-law, order,
539 rule or regulation pursuant to this paragraph may contain a penalty of not more than $50 and, in a

540 city or town that has accepted section 22D, may provide for the removal of a vehicle under said
541 section 22D.

542 SECTION 26. Section 94 of chapter 143 of the General Laws, as amended by section 111
543 of chapter 46 of the acts of 2015, is hereby amended by adding the following subsection:-

544 (s) In consultation with the department of energy resources, to develop requirements and
545 promulgate regulations for residential and appropriate commercial buildings as part of the state
546 building and electric code for electric vehicle charging. The regulations may include separate
547 requirements for direct requirements for installed electric vehicle charging stations and
548 requirements for maintaining capability to install electric vehicle charging stations.

549 SECTION 27. Section 1 of chapter 164 of the General Laws, as appearing in the 2014
550 Official Edition, is hereby amended by inserting after the definition of "Energy management
551 services" the following definition:- "Energy storage system", a commercially available
552 technology that is capable of absorbing energy, storing it for a period of time and thereafter
553 dispatching the energy and which may be owned by an electric distribution company; provided,
554 however, that an "energy storage system" shall: (i) reduce the emission of greenhouse gases; (ii)
555 reduce demand for peak electrical generation; (iii) defer or substitute for an investment in
556 generation, transmission or distribution assets; or (iv) improve the reliable operation of the
557 electrical transmission or distribution grid; and provided further, that an energy storage system
558 shall: (1) use mechanical, chemical or thermal processes to store energy that was generated for
559 use at a later time; (2) store thermal energy for direct heating or cooling use at a later time in a
560 manner that avoids the need to use electricity at that later time; (3) use mechanical, chemical or
561 thermal processes to store energy generated from renewable resources for use at a later time; or

562 (4) use mechanical, chemical or thermal processes to capture or harness waste electricity and to
563 store the waste electricity generated from mechanical processes for delivery at a later time.

564 SECTION 28. Said section 1 of said chapter 164, as so appearing, is hereby further
565 amended by inserting after the word "facility", in line 197, the following words:- "or an energy
566 storage system procured by a distribution company for support in delivering energy services to
567 end users".

568 SECTION 29. Said chapter 164 is hereby furtheramended by inserting after section
569 69H½ the following section:-

570 Section 69H¾. (a) For the purposes of this section, the following words shall have the
571 following meanings unless the context clearly requires otherwise:

572 "Small hydropower facility", a facility with a United States Federal Energy Regulatory
573 Commission-rated capacity of 2 megawatts or less, using water to generate electricity that is
574 connected to a distribution company.

575 "Small hydro tariff", the default service kilowatt-hour rate of the local distribution
576 company, as defined in section 1 of chapter 164 of the General Laws, that receives electricity
577 from a small hydropower facility.

578 (b) Notwithstanding any general or special law to the contrary, there shall be a small
579 hydro tariff program for small hydropower facilities in the commonwealth. An electric
580 distribution company shall pay a small hydropower facility monthly for electricity it received
581 from the facility based on the kilowatt hours of electricity that the distribution company received
582 from the facility multiplied by the small hydro tariff. A participating small hydropower facility

583 shall notify a distribution company that it intends to deliver electricity pursuant to the small
584 hydro tariff program and shall comply with the distribution company's applicable reporting and
585 interconnection requirements; provided, however, that not more than 50 megawatts of small
586 hydropower aggregate capacity statewide shall be permitted to participate in the small hydro
587 tariff.

588 SECTION 30. Section 94A of chapter 164 of the General Laws, as appearing in the 2014
589 Official Edition, is hereby amended by adding the following paragraph:-

590 Nothing in this section shall be construed to authorize the department to review and
591 approve a contract for natural gas pipeline capacity filed by an electric company.

592 SECTION 31. Section 134 of said chapter 164, as so appearing, is hereby amended by
593 adding the following subsection:

594 (c)(1) As used in this subsection, the following words shall have the following meanings
595 unless the context otherwise requires:

596 "Alternative Compliance Payment," or "ACP," an amount established by the department
597 of energy resources that retail electricity suppliers may pay in order to discharge their Renewable
598 Portfolio Standard obligation, as required under section 11F of chapter 25A.

599 "Community empowerment contract" or "contract", an agreement between a municipality
600 and the developer, owner or operator of a renewable energy project.

601 "Customer", an electricity end-use customer of an electric utility distribution company
602 regardless of how that customer receives energy supply services.

603 “Department”, the department of public utilities.

604 “Large commercial customer”, a large commercial, industrial or institutional customer as
605 further defined by the department of energy resources utilizing existing usage-based tariff
606 structures.

607 “Municipality”, a city or town or a group of cities or towns which is not served by a
608 municipal lighting plant, that meet the eligibility criteria under paragraph (9).

609 “Participant”, a customer within a municipality that has entered into a community
610 empowerment contract, so long as that customer did not opt out of, or is prevented from
611 participating in, the community empowerment contract under subsection (d).

612 “Renewable energy certificate”, a certificate representing the environmental attributes of
613 1 megawatt hour of electricity generated by a renewable energy project, the creation, use and
614 retirement of which is administered by ISO New England, Inc.

615 “Renewable energy portfolio standard”, the renewable energy portfolio standard
616 established in section 11F of chapter 25A.

617 “Renewable energy project” or “project”, a facility that generates electricity using a Class
618 1 renewable energy resource and is qualified by the department of energy resources as eligible to
619 participate in the renewable energy portfolio standard under section 11F of chapter 25A and to
620 sell renewable energy certificates under the program.

621 “Residential customer”, a utility distribution customer that is a private residence or group
622 of residences as further defined by the department of energy resources utilizing existing usage-
623 based tariff structures.

624 “Small commercial customers”, a small or medium commercial, industrial or institutional
625 utility distribution customer as further defined by the department of energy resources utilizing
626 existing usage-based tariff structures.

627 (2) A municipality may, on behalf of the electricity customers within the municipality,
628 enter into a community empowerment contract with a company that proposes to construct a
629 renewable energy project. A municipality may enter into more than 1 community empowerment
630 contract and may enter into a new contract at any time prior to December 31, 2021.

631 (3) A community empowerment contract shall be subject to the following conditions:

632 (i) the contract shall be between the municipality and the company proposing to
633 construct a renewable energy project; provided, however, that this section shall not authorize a
634 municipality to utilize its collateral, credit or assets as collateral or credit support to the
635 counterparty of the contract and a municipality may do so only as otherwise authorized by law;

636 (ii) the renewable energy project specified in the contract shall not have begun
637 construction prior to the contract having been entered into by the municipality;

638 (iii) the contract shall be structured as a contract for differences so as to stabilize
639 electricity prices for participants and shall specify a fixed price for the energy and renewable
640 energy certificates to be generated by the project; provided, however, that the contract shall also
641 specify a means by which the project’s contracted amount of energy and renewable energy

642 certificates shall be sold to a third party, at a price established by the wholesale market or an
643 index and as agreed by the parties to the contract, and the proceeds from which shall be credited
644 to the amount owed from the participants to the project; provided further, that if the amount
645 earned in a sale exceeds the agreed fixed price, the participants shall be credited from the project
646 for the difference between the sale price and the contracted fixed price; and provided further, that
647 a contract shall not be an agreement to physically deliver electric energy to the participants but it
648 may require delivery of renewable energy certificates;

649 (iv) the contract shall specify whether renewable energy certificates from the
650 renewable energy project are to be provided and, if so provided, shall specify how the renewable
651 energy certificates are to be transmitted and disposed of or retired; provided, however, that
652 renewable energy certificates purchased through a contract may be: (A) assigned to the load of
653 each participant or subset of participants, as stipulated in the contract, so as to increase the
654 amount of renewable energy attributed to use by the participants in the aggregate; or (B) sold in a
655 transparent, competitive process, the proceeds from which shall be applied to the contract for
656 differences mechanism under clause (iii); and provided further, that a renewable energy
657 certificate purchased through a contract shall not be used by a basic service supply provider or
658 competitive supply provider to meet its requirements under the renewable energy portfolio
659 standard unless the renewable energy certificate is first sold to the supplier in a competitive,
660 transparent process under this clause;

661 (v) the contract shall have a term of not less than 10 years from the time the
662 specified renewable energy project commences operation;

663 (vi) the contract shall describe the calculations by which a charge or credit to a
664 participant or to the renewable energy project are calculated based on the contract for differences
665 mechanism under clause (iii); provided, however, that the calculations shall ensure full payment
666 or credit to the renewable energy project even if a participant does not make full payment of the
667 participant's distribution utility bill; provided further, that if there is a nonpayment of all or a
668 portion of a distribution utility bill, an increase in charges to the contract participants may be
669 used to ensure sufficient revenue to meet obligations to the project; and provided further, that the
670 contract shall specify a contract administrator who shall perform the calculations under this
671 subsection and determine, for implementation by the distribution utility, the charges and credits
672 due to the project, participants, distribution utility and others as required by the contract; and

673 (vii) the contract may exempt for differences mechanism residents of the
674 municipality who receive low-income electric rates.

675 (4) A town may enter into a community empowerment contract upon authorization by a
676 majority vote of town meeting, town council or other municipal legislative body. A city may
677 authorize a community empowerment contract by a majority vote of the city council or
678 municipal legislative body, with the approval of the mayor or the city manager in a Plan D or
679 Plan E form of government. Two or more municipalities may initiate a process jointly to
680 authorize community empowerment contracting by a majority vote of each municipality under
681 this paragraph. Prior to an authorizing vote, a public hearing shall be held to inform the
682 municipalities of the proposed contract, the impact on residents and information on how to opt
683 out of the contract if it proceeds. This hearing shall specify the proposed project under the
684 contract and the length of the contract. An entity that is not a party to the contract shall estimate
685 the contract's rate impacts under reasonable scenarios for future energy prices and the estimates

686 shall be presented. The proposed project and contract information, estimated rate impact on
687 constituents, procedure for customers to opt out of the proposed contract and information
688 regarding the public hearing shall also be mailed to the residents of the municipalities 30 days
689 before the hearing.

690 (5) The electricity customers within a municipality shall be required to participate in a
691 community empowerment contract; provided, however, that a customer may opt not to
692 participate in a contract if the customer provides notice to an administrator designated by the
693 municipality within 90 days after the vote authorizing a contract or, in the case of a residential
694 user receiving a low-income electric rate, at any time. A residential or small commercial
695 customer that establishes service in the municipality after a proposed contract shall have 90 days
696 to opt not to participate. No customer shall be a participant in a contract if that customer uses
697 more than 5 per cent of the total annual electricity usage of the electricity customers located
698 within a single municipality that is a party to the contract or, in the case of a contract with a
699 group of municipalities, 5 per cent of the total annual electricity usage of the electricity
700 customers located in the group of municipalities that are parties to the contract. A large
701 commercial customer within a municipality may become a participant unless otherwise
702 prohibited and, upon electing to become a participant, shall remain a participant for the
703 remainder of the community empowerment contract as long as the large commercial customer
704 continues to be located within the municipality.

705 (6) The department shall promulgate regulations, guidelines or orders that:

706 (i) establish the manner in which a municipality may request from a distribution
707 utility, and which the distribution utility shall provide in a timely manner, the summary historic

708 load and payment information of the electricity customers within the municipality that is
709 necessary for a municipality to request and analyze a proposal for a community empowerment
710 contract; provided, however, that the distribution utility may charge the municipality for
711 verifiable, reasonable and direct costs associated with providing the information as approved by
712 the department generally or on a case-by-case basis;

713 (ii) establish a procedure by which a municipality shall have a community
714 empowerment contract approved by the department; provided, however, that a community
715 empowerment contract shall not take effect until so approved and the department shall be
716 obligated to and shall approve a contract that meets the requirements under this section; and
717 provided further, that in establishing the approval procedure, the department shall adopt means to
718 minimize the administrative and legal costs to municipalities to the maximum extent possible;

719 (iii) establish guidelines or standards by which the contract administrator under
720 clause (vi) of paragraph (3) shall: (A) provide utility adjustments to charges to the distribution or
721 credits to participants via a line item on the distribution utility bill; and (B) provide information
722 to the distribution utility that is necessary to enable it to make or receive payments to or from the
723 project and to others as necessary; provided, however, that each community empowerment
724 contract shall be indicated on a participant's distribution utility bill by a line item specific to the
725 contract; and provided further, that a distribution utility may recover verifiable and reasonable
726 costs for the implementation of this subsection from a contract party or participant except as
727 provided for in clause (iv). Should implementation of this subsection require changes to the
728 distribution utility company's billing system that would not otherwise be incurred, the cost of
729 implementing such changes may, upon approval by the department as being verifiable,
730 reasonable, and necessary to implement this subsection, be paid for by ACP funds or, if available

731 ACP funds are insufficient, by the Massachusetts Renewable Energy Trust Fund, as established
732 by General Laws chapter 23J, section 9.

733 (iv) establish guidelines or standards by which distribution company customers
734 may receive or access accurate energy source disclosure information, taking into account the
735 renewable energy certificates that may be ascribed to each customer's electricity usage and
736 regardless of the source from which the renewable energy certificates were supplied or
737 purchased. Should implementation of this subsection require changes to the distribution utility
738 company's billing system that would not otherwise be incurred, the cost of implementing such
739 changes may, upon approval by the department as being verifiable, reasonable, and necessary to
740 implement this subsection, be paid for by ACP funds or, if available ACP funds are insufficient,
741 by the Massachusetts Renewable Energy Trust Fund, as established by General Laws chapter
742 23J, section 9.

743 (7) The department of energy resources shall promulgate regulations or guidelines that:

744 (i) establish the manner in which, in the case of a community empowerment
745 contract in which the renewable energy certificates are to be assigned to participants, the
746 renewable energy certificates may be transmitted and retired appropriately and the energy source
747 disclosure information accurately provided to participants; and

748 (ii) establish recommended practices to ensure transparency and accountability on
749 the part of a municipality in entering into and managing a community empowerment contract,
750 including the means by which an executed community empowerment contract shall be available
751 for public inspection and recommendations for a municipality to follow in order to ensure
752 compliance with the requirements for entering into a community requirement contract.

753 The department of energy resources shall also provide technical assistance to a
754 municipality regarding a community empowerment contract upon request.

755 (8) A community empowerment contract shall be in addition to, and aside from, an
756 electricity supply contract that a customer may have at the time of the contract or that that the
757 customer may later seek to establish. A municipality that enters into a community empowerment
758 contract under this subsection shall not be considered a wholesale or retail electricity supplier. A
759 community empowerment contract shall not require participants to change their choice of
760 electricity supplier regardless of whether the supplier is a competitive supplier or a basic service
761 supplier.

762 (9) To participate in the community empowerment pilot program, a municipality or group
763 of municipalities shall be located in the county of Barnstable, Dukes County or Nantucket.

764 (10) Not later than 1 year after a municipality enters into the first community
765 empowerment contract through the pilot program, and annually thereafter for 5 years, the
766 secretary of energy and environmental affairs shall submit a report to the house and senate chairs
767 of the joint committee on telecommunications, utilities and energy that details the results of the
768 pilot program, including information on the renewable energy projects funded under the pilot
769 program and the effects of the pilot program on: (i) the stabilization of prices for electricity
770 customers; (ii) the enhancement of local energy security and reliability; (iii) the fostering of
771 economic development; and (iv) the reduction of electric system carbon emissions.

772 SECTION 32. Subsection (f) of section 139 of said chapter 164, as most recently
773 amended by section 6 of chapter 75 of the acts of 2016, is hereby amended by inserting after the
774 second sentence the following sentence:- Notwithstanding the total aggregate capacity of net

775 metering facilities in this subsection, there shall be an additional 50 megawatts alternating
776 current of capacity in a separate and distinct cap across all distribution companies' service
777 territories for anaerobic digestion net metering facilities; provided, however, that the aggregate
778 capacity of the facilities shall be distinguished on the basis of whether each facility is a net
779 metering facility of a municipality or other governmental entity so that a distribution company
780 may calculate the appropriate net metering credit. If the separate and distinct anaerobic digestion
781 cap of 50 megawatts alternating current is met, then anaerobic digestion facilities may seek a cap
782 allocation from the all-technology cap.

783 SECTION 33. Section 144 of said chapter 164, as appearing in the 2014 Official Edition,
784 is hereby amended by inserting after the word "leaks", in lines 37 and 39, each time it appears,
785 the following words:-and grade 3 leaks identified as having a significant environmental impact.

786 SECTION 34. Chapter 169 of the acts of 2008 is hereby amended by inserting after
787 section 83A, inserted by chapter 209 of the acts of 2012, the following 3 sections:-

788 Section 83B. For the purposes of this section and sections 83C and 83D, the following
789 words shall have the following meanings unless the context clearly requires otherwise:

790 "Affiliated company", an affiliated company as defined in section 85 of chapter 164 of
791 the General Laws.

792 "Clean energy generation", (i) hydroelectric generation; (ii) new Class I renewable
793 portfolio standard eligible resources that are firmed up with hydroelectric generation; or (iii) new
794 Class I renewable portfolio standard eligible resources.

795 “Distribution company”, a distribution company as defined in section 1 of chapter 164 of
796 the General Laws.

797 “Long-term contract”, a contract for a period of 15 to 20 years for offshore wind energy
798 generation under section 83C or for clean energy generation under section 83D.

799 “New Class I renewable portfolio standard eligible resources”, Class I renewable energy
800 generating sources under section 11F of chapter 25A of the General Laws that have not
801 commenced commercial operation prior to the date of execution of a long-term contract or that
802 represent a net increase from incremental new generating capacity at an existing facility after the
803 date of execution of a long-term contract.

804 “Offshore wind developer”, a provider of electricity developed from an offshore wind
805 energy generation project.

806 “Offshore wind energy generation”, offshore electric generating resources derived from
807 wind that: (i) are Class I renewable energy generating sources under section 11F of chapter 25A
808 of the General Laws; and (ii) have a commercial operations date on or after January 1, 2018 that
809 has been verified by the department of energy resources.

810 Section 83C. (a) Not later than April 1, 2017, every distribution company shall, with the
811 department of energy resources, jointly and competitively solicit proposals for offshore wind
812 energy generation. If the department of energy resources, in consultation with the independent
813 evaluator under subsection (e), determines that any reasonable proposal has been received, the
814 distribution companies shall enter into cost-effective long-term contracts, subject to the approval
815 of the department of public utilities, to facilitate the financing of offshore wind energy
816 generation resources and the reaching of the commonwealth’s emission reduction targets and

817 goals under chapter 298 of the acts of 2008 and chapter 21N of the General Laws, apportioned
818 among the distribution companies under this section. Each subsequent solicitation shall seek
819 proposals of approximately 400 to 800 megawatts, inclusive, of aggregate nameplate capacity.

820 (b) The timetable and method of solicitation of long-term contracts shall be proposed
821 jointly by the distribution companies and the department of energy resources. The distribution
822 companies, in coordination with the department of energy resources, shall consult with the office
823 of the attorney general regarding the choice of solicitation methods. The department of energy
824 resources shall be a full participant in the execution and evaluation of all proposals. The
825 timetable and method shall be reviewed and approved by the department of public utilities. A
826 solicitation may be coordinated and issued jointly with other New England states or entities
827 designated by those states. The distribution companies shall conduct at least 3 competitive
828 solicitations through a staggered procurement schedule developed by the distribution companies
829 and the department of energy resources; provided, however, that the distribution companies shall
830 jointly enter into cost-effective long-term contracts for offshore wind energy generation equal to
831 approximately 2,000 megawatts of aggregate nameplate capacity not later than June 30, 2027.
832 The first solicitation shall seek proposals of approximately 400 megawatts of aggregate
833 nameplate capacity; provided, however, that subsequent solicitations shall occur within
834 approximately 24 months of a previous solicitation.; provided further, that the department of
835 energy resources may determine and require subsequent solicitations and procurements beyond
836 2,000 megawatt-hours if in the best interests of the commonwealth and to ensure compliance
837 with chapter 298 of the acts of 2008. If the department determines that additional solicitations are
838 necessary, it shall submit a report to the general court explaining its rationale and the general
839 court shall have 60 days to review the report and submit a response.

840 The department of public utilities shall not approve a long-term contract that results from
841 a subsequent solicitation and procurement period if the levelized cost of energy or the net present
842 value of the contract price per megawatt hour in constant dollars that results from that
843 subsequent procurement is greater than or equal to the levelized cost of energy or net present
844 value of the contract price per megawatt hour in constant dollars that resulted from the previous
845 procurement. The department of public utilities shall make a final approved long-term contract
846 price public. For the purposes of this section, "levelized cost of energy" shall include
847 transmission and renewable energy certificates.

848 The department of energy resources shall give preference to a subsequent proposal in
849 which the net present value of the contract price per megawatt hour that results from the
850 subsequent procurement, plus associated total transmission costs, has decreased by at least 15 per
851 cent from the net present value of the contract price, plus associated total transmission costs, that
852 resulted from the previous procurement.

853 The department of energy resources shall require that bidding offshore wind developers
854 demonstrate that the bidding offshore wind developers have the ability and financial means to
855 complete their proposed project. If the department of energy resources determines that no
856 reasonable proposal was received in response to a solicitation, the department may terminate the
857 solicitation. If the department, in consultation with the independent evaluator, deems all
858 proposals under a solicitation to be unreasonable, it shall issue public, written findings and the
859 independent evaluator shall review the findings and issue an independent assessment of the
860 decision by the department of energy resources to deem every proposal unreasonable. If the
861 department, in consultation with the independent evaluator, deems all proposals under a
862 solicitation to be unreasonable, it shall issue public, written findings and the independent

863 evaluator shall review the findings and issue an independent assessment of the decision by the
864 department of energy resources to deem every proposal unreasonable. The department of energy
865 resources may reconsider any proposal based upon a recommendation from the independent
866 evaluator.

867 (c) In developing proposed long-term contracts, the distribution companies shall consider
868 long-term contracts for renewable energy certificates for energy and for a combination of both
869 renewable energy certificates and energy. Notwithstanding a determination from the department
870 of energy resources that a proposal is reasonable, a distribution company may decline to pursue a
871 proposal if the proposal's terms and conditions would require the contract obligation to place an
872 unreasonable burden on the distribution company's balance sheet; provided, however, that the
873 distribution company shall take all reasonable actions to structure the contracts, pricing or
874 administration of the products purchased under this section in order to prevent or mitigate an
875 impact on the balance sheet or income statement of the distribution company or its parent
876 company, subject to the approval of the department of public utilities; provided further, that
877 mitigation shall not increase costs to ratepayers. If a distribution company deems all proposals to
878 be unreasonable, the distribution company shall, within 20 days of the date of its decision,
879 submit a filing to the department of public utilities. The filing shall include, in the form and
880 detail prescribed by the department of public utilities, documentation supporting the distribution
881 company's decision to decline the proposals. Following a distribution company's filing, and
882 within 4 months of the date of the filing, the department of public utilities shall approve or reject
883 the distribution company's decision and may order the distribution company to reconsider any
884 proposal. If distribution companies are unable to agree on a winning bid following a solicitation
885 under this section, the matter shall be submitted to the department of energy resources which

886 shall, in consultation with the independent evaluator, issue a final, binding determination of the
887 winning bid. The department of energy resources may require additional solicitations to fulfill
888 the requirements of this section.

889 (d)(1) The department of public utilities shall promulgate regulations consistent with this
890 section. The regulations shall: (i) allow offshore wind developers of offshore wind energy
891 generation to submit proposals that are consistent with this section for long-term contracts; (ii)
892 require that a proposed long-term contract executed by the distribution companies under a
893 proposal be filed with and approved by the department of public utilities before becoming
894 effective; (iii) require transmission costs to be incorporated into a proposal; (iv) after the
895 approval by the department of public utilities of a long-term contract, require an offshore wind
896 developer to proceed with reasonable promptness and diligence to provide offshore wind energy
897 resources; (v) allow offshore wind energy generation resources to be paired with energy storage
898 systems; and (vi) require that offshore wind energy generating resources to be used by a
899 developer under the proposal: (A) provide enhanced electricity reliability; (B) are cost effective
900 to electric ratepayers in the commonwealth over the term of the contract, taking into
901 consideration costs and benefits, including economic and environmental benefits and existing or
902 reasonably anticipated federal and state environmental requirements; (C) avoid line loss and
903 mitigate transmission costs to the extent possible and ensure that transmission cost overruns, if
904 any, are not borne by ratepayers; (D) moderate system peak load requirements; (E) adequately
905 demonstrate project viability in a commercially reasonable timeframe; (F) avoid, minimize and
906 mitigate environmental impacts; and (G) promote additional employment and economic
907 development. The department of energy resources shall give preference to proposals that

908 demonstrate a benefit to low-income ratepayers in the commonwealth, without adding cost to the
909 project.

910 (2) The department of energy resources shall, subject to agreement with an offshore wind
911 developer, require an offshore wind developer that has executed a final long-term contract
912 approved by the department of public utilities to provide data to the department of energy
913 resources. The data shall be provided to the department not more than once every 6 months. The
914 offshore wind developer providing the data shall agree, as a condition of submitting a proposal
915 under this section, that it will in good faith pursue a data agreement with the department of
916 energy resources. The agreement shall provide that the department of energy resources shall not
917 disclose data or other confidential or proprietary information provided by the offshore wind
918 developer to the department of energy resources under the data agreement and shall otherwise
919 protect the data for an agreed upon period of time which shall not be more than 24 months after
920 the date on which the data was collected. For the purposes of this paragraph, "data" shall mean
921 primary data observations and metadata collected and stored by or on behalf of the offshore wind
922 developer in relation to investigation modeling and monitoring of the development site or, if
923 mutually agreed upon, the surrounding area related to meteorological, geotechnical,
924 oceanographic or other environmental characteristics as determined by the department of energy
925 resources.

926 (e) The department of energy resources and the attorney general shall jointly select, and
927 the department of energy resources shall contract with, an independent evaluator to monitor,
928 participate in and report on the solicitation and bid selection process in order to assist the
929 department of energy resources in determining if a received proposal is reasonable and to assist
930 the department of public utilities in its consideration of long-term contracts filed for approval. To

931 ensure an open, fair and transparent solicitation and bid selection process that is not unduly
932 influenced by an affiliated company, the independent evaluator shall: (i) be paid an equal amount
933 and in full by each offshore wind developer submitting a proposal for the solicitation; (ii) issue a
934 report to the department of public utilities, upon its review of the timetable and method of
935 solicitation, that analyzes the proposed solicitation process and includes recommendations, if
936 any, for improving the process; and (iii) upon the opening of an investigation by the department
937 of public utilities into a proposed long-term contract for a winning bid proposal, file a report with
938 the department of public utilities that summarizes and analyzes the solicitation and the bid
939 selection process and provide its independent assessment of whether all bids were evaluated in a
940 fair and objective manner. The independent evaluator shall also issue an assessment of whether a
941 winning bid proposal complies with the regulations under subsection (d). The independent
942 evaluator shall have access to the information and data related to the competitive solicitation and
943 bid selection process that is necessary to fulfill the purposes of this subsection; provided,
944 however, that the independent evaluator shall ensure that proprietary information shall remain
945 confidential. The department of public utilities shall consider the findings of the independent
946 evaluator and may adopt recommendations made by the independent evaluator as a condition for
947 approval. If the independent evaluator concludes in the findings that the solicitation and bid
948 selection of a long-term contract was not fair and objective and that the process was substantially
949 prejudiced as a result, the department of public utilities shall reject the bid proposal.

950 (f) A proposed long-term contract shall be subject to the review and approval of the
951 department of public utilities. As part of its approval process, the department of public utilities
952 shall consider the attorney general's recommendations, which shall be submitted to the
953 department of public utilities within 45 days following the filing of the proposed contract with

954 the department of public utilities. The department of public utilities shall consider the potential
955 costs and benefits of the proposed contract and shall approve a proposed contract if it finds that
956 the proposed contract is a cost-effective mechanism for procuring reliable renewable energy on a
957 long-term basis. The department of public utilities' consideration of potential costs and benefits
958 shall include consideration of non-price economic and environmental benefits, existing or
959 reasonably anticipated federal and state environmental requirements, other factors outlined in
960 this section and the commonwealth's goals under chapter 298 of the acts of 2008 and chapter
961 21N of the General Laws. A distribution company shall be entitled to cost recovery of payments
962 made under a long-term contract approved under this section.

963 (g) The distribution companies shall each enter into a contract with the winning bidders
964 for their apportioned share of the market products being purchased from the project. The
965 apportioned share shall be calculated and based upon the total energy demand from the
966 distribution customers in each service territory of the distribution companies.

967 (h) A distribution company shall sell energy and capacity purchased under a long-term
968 contract in the wholesale market through a competitive bid process in order to minimize the costs
969 to ratepayers under the contract. A distribution company may elect to retain renewable energy
970 certificates to meet the applicable annual renewable portfolio standard requirements under said
971 section 11F of said chapter 25A. If renewable energy certificates are not so used, distribution
972 companies shall sell the purchased renewable energy certificates through a competitive bid
973 process to minimize the costs to ratepayers under the contract; provided, however, that the
974 department of energy resources shall conduct periodic reviews to determine the impact on the
975 energy and renewable energy certificate markets of the disposition of energy and renewable
976 energy certificates under this section. The department may issue reports recommending

977 legislative changes if it determines that said disposition of energy and renewable energy
978 certificates is adversely affecting the energy and renewable energy certificate markets.

979 (i) If a distribution company sells the purchased energy into the wholesale spot market
980 and sells the renewable energy certificates through a competitive bid process, the distribution
981 company shall net the cost of payments made to projects under the long-term contracts against
982 the proceeds obtained from the sale of energy and renewable energy certificates, and the
983 difference shall be credited or charged to distribution customers through a uniform fully
984 reconciling annual factor in distribution rates, subject to review and approval of the department
985 of public utilities.

986 (j) A long-term contract procured under this section shall utilize an appropriate tracking
987 system to ensure a unit specific accounting of the delivery of clean energy, to enable the
988 department of environmental protection in consultation with the department of energy resources,
989 to accurately measure progress in achieving the commonwealth's goals under chapter 298 of the
990 acts of 2008 or chapter 21N of the General Laws; provided, however, that for purposes of this
991 section, a long-term contract procured under this section shall also require an accounting of life-
992 cycle emissions from the clean energy generation resource, to be reported to the department of
993 environmental protection on an annual basis.

994 (k) The department of energy resources and the department of public utilities may jointly
995 develop requirements for a bond or other security to ensure performance with the requirements
996 under this section.

997 (l) The department of energy resources may promulgate regulations that are necessary to
998 implement this section.

999 (m) If this section is subjected to a legal challenge, the department of public utilities may
1000 suspend the applicability of the challenged provision during the pendency of the action until a
1001 final resolution, including any appeals, is obtained and shall issue an order and take other action
1002 that is necessary to ensure that the provisions that are not the subject of the challenge are
1003 implemented expeditiously to achieve the public purposes of this section.

1004 Section 83D. (a) Not later than April 1, 2017, every distribution company shall jointly
1005 and competitively solicit proposals for clean energy generation with the department of energy
1006 resources. If the department of energy resources, in consultation with the independent evaluator
1007 under subsection (e), determines that a reasonable proposal has been received, the distribution
1008 companies shall enter into cost effective long-term contracts, subject to the approval of the
1009 department of public utilities, to facilitate reaching the commonwealth's emission reduction
1010 targets and goals under chapter 298 of the acts of 2008 or chapter 21N of the General Laws,
1011 apportioned among the distribution companies under this section.

1012 (b) The timetable and method for solicitation of long-term contracts shall be proposed
1013 jointly by the distribution companies and the department of energy resources. The distribution
1014 companies, in coordination with the department of energy resources, shall consult with the
1015 attorney general's office regarding the choice of solicitation method. The department of energy
1016 resources shall be a full participant in the execution and evaluation of the proposals. The
1017 timetable and method for solicitation shall be reviewed and approved by the department of public
1018 utilities. A solicitation may be coordinated and issued jointly with other New England states or
1019 entities designated by those states. The distribution companies shall conduct 1 or more
1020 competitive solicitations through a schedule or staggered procurement schedule developed by the
1021 distribution companies and the department of energy resources; provided, however, that the

1022 distribution companies shall enter into cost-effective long-term contracts for clean energy
1023 generation for an annual amount of electricity of at least 12,450,000 megawatt-hours by
1024 December 31, 2018; provided further, that the 12,450,000 megawatt-hours shall be in
1025 commercial operation by December 31, 2020; and provided further, that the department of
1026 energy resources may determine and require subsequent solicitations and procurements beyond
1027 12,450,000 megawatt-hours if in the best interests of the commonwealth and to ensure
1028 compliance with chapter 298 of the acts of 2008. If the department determines that additional
1029 solicitations are necessary, it shall submit a report to the general court explaining its rationale
1030 and the general court shall have 60 days to review the report and submit a response..

1031 If the department of energy resources determines that no reasonable proposal was
1032 received in response to a solicitation, the department may terminate the solicitation. If the
1033 department of energy resources, in consultation with the independent evaluator, deems all
1034 proposals under a solicitation to be unreasonable, it shall issue public, written findings and the
1035 independent evaluator shall review the findings and issue an independent assessment of the
1036 decision by the department of energy resources to deem the proposals unreasonable. The
1037 department of energy resources may reconsider any proposal based upon a recommendation from
1038 the independent evaluator.

1039 The department of energy resources shall give preference to proposals that include both
1040 hydroelectric generation and new Class 1 eligible resources and give preference to proposals that
1041 include firm service.

1042 (c) In developing proposed long-term contracts, the distribution companies shall consider
1043 long-term contracts for renewable energy certificates for energy and for a combination of both

1044 renewable energy certificates and energy, if applicable. A distribution company may decline to
1045 to pursue a proposal if the proposal's terms and conditions would require the contract obligation
1046 to place an unreasonable burden on the distribution company's balance sheet; provided, however,
1047 that the distribution company shall take all reasonable actions to structure the contracts, pricing
1048 or administration of the products purchased under this section in order to prevent or mitigate
1049 impacts on the balance sheet or income statement of the distribution company or its parent
1050 company, subject to the approval of the department of public utilities; provided further, that the
1051 mitigation shall not increase costs to ratepayers. If a distribution company deems all proposals to
1052 be unreasonable, the distribution company shall, within 20 days of the date of its decision,
1053 submit a filing to the department of public utilities. The filing shall include, in the form and
1054 detail prescribed by the department of public utilities, documentation supporting the distribution
1055 company's decision to decline the proposals. Following a distribution company's filing, and
1056 within 4 months of the date of the filing, the department of public utilities shall approve or reject
1057 the distribution company's decision and may order the distribution company to reconsider any
1058 proposal. If distribution companies are unable to agree on a winning bid under a solicitation
1059 under this section, the matter shall be submitted to the department of energy resources which
1060 shall, in consultation with the independent evaluator, issue a final, binding determination of the
1061 winning bid. The department of energy resources may require additional solicitations to fulfill
1062 the requirements of this section.

1063 (d) The department of public utilities shall promulgate regulations consistent with this
1064 section. The regulations shall: (i) allow developers of clean energy generation resources to
1065 submit proposals that are consistent with this section for long-term contracts; (ii) require that
1066 contracts executed by the distribution companies under the proposals are filed with, and

1067 approved by, the department of public utilities before they become effective; (iii) require
1068 transmission costs to be incorporated into a proposal, whether the costs are a part of the bid price
1069 or related to the delivery of the assigned energy via a federally-regulated transmission tariff;
1070 provided, however, that the department of public utilities may authorize or require the relevant
1071 parties to seek recovery of the transmission costs of the project through federal transmission
1072 rates, consistent with policies and tariffs of the Federal Energy Regulatory Commission, to the
1073 extent the department of public utilities finds that recovery is in the public interest; (iv) allow
1074 long-term contracts for clean energy generation resources to be paired with energy storage
1075 systems; (v) after the approval by the department of public utilities of a long-term contract,
1076 require a developer to proceed with reasonable promptness and diligence to provide clean energy
1077 generation resources; and (vi) require that the clean energy resources to be used by a developer
1078 under the proposal: (A) provide enhanced electricity reliability; (B) moderate system peak load
1079 requirements including, to the extent that projects include hydroelectric generation, by providing
1080 maximum output during winter peak pricing period; (C) are cost effective to electric ratepayers
1081 in the commonwealth over the term of the contract by providing reliability and economic and
1082 environmental benefits that outweigh costs; (D) avoid line loss and mitigate transmission costs to
1083 the extent possible and ensure that transmission cost overruns, if any, are not borne by
1084 ratepayers; (E) adequately demonstrate project viability in a commercially reasonable timeframe;
1085 (F) avoid, minimize and mitigate environmental impacts; and (G) promote additional
1086 employment and economic development. The department of energy resources shall give
1087 preference to proposals that: include both hydroelectric generation and new Class 1 eligible
1088 resources; include firm service; and demonstrate a benefit to low-income ratepayers in the
1089 commonwealth, without adding cost to the project.

1090 (e) The department of energy resources and the attorney general shall jointly select, and
1091 the department of energy resources shall contract with, an independent evaluator to monitor,
1092 participate in and report on the solicitation and bid selection process in order to assist the
1093 department of energy resources in determining if a received proposal is reasonable and to assist
1094 the department of public utilities in its consideration of resulting long-term contracts filed for
1095 approval. To ensure an open, fair and transparent solicitation and bid selection process that is not
1096 unduly influenced by an affiliated company, the independent evaluator shall: (i) be paid an equal
1097 amount and in full by each clean energy generation developer submitting a proposal for the
1098 solicitation; (ii) issue a report to the department of public utilities, upon its review of the
1099 timetable and method of solicitation, that analyzes the proposed solicitation process and includes
1100 recommendations for improving the process, if any; and (iii) upon the opening of an
1101 investigation by the department of public utilities into a proposed long-term contract for a long-
1102 term contract for a winning bid proposal, file a report with the department of public utilities that
1103 summarizes and analyzes the solicitation and the bid selection process and provide its
1104 independent assessment of whether every bid was evaluated in a fair and objective manner. The
1105 independent evaluator shall also issue its assessment of whether a winning bid proposal complies
1106 with the regulations under subsection (d). The independent evaluator shall have access to the
1107 information and data related to the competitive solicitation and bid selection process that is
1108 necessary to fulfill the purposes of this subsection; provided, however, the independent evaluator
1109 shall ensure that proprietary information remains confidential. The department of public utilities
1110 shall consider the findings of the independent evaluator and may adopt recommendations made
1111 by the independent evaluator as a condition for approval. If the independent evaluator concludes
1112 in the findings that the solicitation and bid selection of a long-term contract was not fair and

1113 objective and that the process was substantially prejudiced as a result, the department of public
1114 utilities shall reject the bid proposal.

1115 (f) A proposed long-term contract shall be subject to the review and approval of the
1116 department of public utilities. As part of its approval process, the department of public utilities
1117 shall consider the attorney general's recommendations, which shall be submitted to the
1118 department of public utilities within 45 days following the filing of the proposed contract with
1119 the department of public utilities. The department of public utilities shall consider the potential
1120 costs and benefits of the proposed contract and shall approve a proposed contract if it finds that
1121 the proposed contract is a cost-effective mechanism for procuring low cost clean energy on a
1122 long-term basis. The department of public utilities' consideration of potential costs and benefits
1123 shall include the factors outlined in this section and the commonwealth's goals under chapter 298
1124 of the acts of 2008 and chapter 21N of the General Laws. A distribution company shall be
1125 entitled to cost recovery of payments made under a long-term contract approved under this
1126 section.

1127 (g) The distribution companies shall each enter into a contract with the winning bidders
1128 for their apportioned share of the market products being purchased from the project. The
1129 apportioned share shall be calculated and based upon the total energy demand from the
1130 distribution customers in each service territory of the distribution companies.

1131 (h) A distribution company shall sell energy and capacity purchased under long-term
1132 contracts or delivery commitments in the wholesale market through a competitive bid process in
1133 order to minimize the costs to ratepayers under the contract. A distribution company may elect to
1134 retain renewable energy certificates to meet the applicable annual RPS requirements under said

1135 section 11F of said chapter 25A. If the renewable energy certificates are not so used, distribution
1136 companies shall sell the purchased renewable energy certificates attributed to new Class I RPS
1137 eligible resources through a competitive bid process to minimize the costs to ratepayers under the
1138 contract; provided, however, that a distribution company shall retain renewable energy
1139 certificates that are not attributed to Class I RPS eligible resources. The department of energy
1140 resources shall conduct periodic reviews to determine the impact on the energy and renewable
1141 energy certificate markets of the disposition of energy and renewable energy certificates under
1142 this section. The department may issue reports recommending legislative changes if it determines
1143 that the disposition of energy and renewable energy certificates is adversely affecting the energy
1144 and renewable energy certificate markets.

1145 (i) If a distribution company sells the purchased energy into the wholesale spot market
1146 and sells the renewable energy certificates through a competitive bid process, the distribution
1147 company shall net the cost of payments made to projects under the long-term contracts against
1148 the proceeds obtained from the sale of energy and renewable energy certificates, and the
1149 difference shall be credited or charged to distribution customers through a uniform fully
1150 reconciling annual factor in distribution rates, subject to review and approval of the department
1151 of public utilities.

1152 (j) A long-term contract procured under this section shall utilize an appropriate tracking
1153 system to ensure a unit specific accounting of the delivery of clean energy, to enable the
1154 department of environmental protection in consultation with the department of energy resources,
1155 to accurately measure progress in achieving the commonwealth's goals under chapter 298 of the
1156 acts of 2008 or chapter 21N of the General Laws; provided, however, that for purposes of this
1157 section, a long-term contract procured under this section shall also require an accounting of life-

1158 cycle emissions from the clean energy generation resource, to be reported to the department of
1159 environmental protection on an annual basis.

1160 (k) The department of energy resources and the department of public utilities may jointly
1161 develop requirements for a bond or other security to ensure performance with requirements
1162 under this section.

1163 (l) The department of energy resources may promulgate regulations that are necessary to
1164 implement this section.

1165 (m) If this section is subject to a legal challenge, the department of public utilities may
1166 suspend the applicability of the challenged provision during the pendency of the action until a
1167 final resolution , including any appeals, is obtained and shall issue an order and take other action
1168 that is necessary to ensure that the provisions that are not the subject of the challenge are
1169 implemented expeditiously to achieve the public purposes of this section.

1170 SECTION 35. Section 16 of chapter 298 of the acts of 2008 is hereby amended by
1171 striking out, in lines 3 and 4, the words “, and shall expire on December 31, 2020.

1172 SECTION 36. In designing the energy rating and labeling system under section 11G½ of
1173 chapter 25A of the General Laws, the department of energy resources shall consider the energy
1174 rating and labeling systems used as part of the Mass Save Home MPG program, the RESNET
1175 home energy rating system and the United States Department of Energy's home energy score in
1176 addition to other energy rating and labeling systems that are used in other jurisdictions that the
1177 department determines appropriate.

1178 The department shall finalize the energy rating and labeling system for residential
1179 dwellings not later than December 15, 2016 and shall begin implementing the system not later
1180 than June 30, 2017. The department shall also provide recommendations for the implementation
1181 of an energy rating and labeling system for residential rental property transactions not later than
1182 June 30, 2017.

1183 SECTION 37. (a) On or before December 31, 2016, the department of energy resources
1184 shall determine whether to set appropriate targets for electric companies to procure viable and
1185 cost-effective energy storage systems to be achieved by January 1, 2020. As part of this decision,
1186 the department may consider a variety of policies to encourage the cost-effective deployment of
1187 energy storage systems, including the refinement of existing procurement methods to properly
1188 value energy storage systems, the use of alternative compliance payments to develop pilot
1189 programs and the use of energy efficiency funds under section 19 of chapter 25 of the General
1190 Laws if the department determines that the energy storage system is installed at a customer's
1191 premises, provides sustainable peak load reductions on either the electric or gas distribution
1192 systems and is otherwise consistent with section 11G of said chapter 25A.

1193 (b) The department shall adopt the procurement targets, if determined to be appropriate
1194 under subsection (a), by July 1, 2017. The department shall reevaluate the procurement targets
1195 not less than once every 3 years.

1196 (c) Not later than January 1, 2020, each electric company entity shall submit a report to
1197 the department of energy resources demonstrating that it has complied with the energy storage
1198 system procurement targets and policies adopted by the department pursuant to this section.

1199 SECTION 38. Waste-to-energy shall be eligible under section 17 regardless of the
1200 commercial operation date of the waste-to-energy facility; provided, however, that the facility
1201 shall have been in operation as of January 1, 2016.

1202 SECTION 39. For the Class I renewable energy generating source requirement that
1203 applies to retail electricity suppliers selling electricity to end-use customers, the department of
1204 energy resources shall not impose any incremental obligations under clauses (3) and (4) of
1205 subsection (a) of section 11F of chapter 25A of the General Laws on the kilowatt-hour sales to
1206 end-use customers in the commonwealth resulting from a contract executed before January 1,
1207 2017 if the retail electric supplier provides the department of energy resources with satisfactory
1208 documentation of the terms of the contract including, but not limited to, the execution and
1209 expiration dates of the contract and the annual volume of kilowatt-hour sales supplied.

1210 SECTION 40. The secretary of energy and environmental affairs shall develop and
1211 support a regional comprehensive climate change adaptation management action plan grant
1212 program that shall consist of financial assistance to regional planning agencies to develop and
1213 implement comprehensive cost-effective adaptation management action plans at the regional
1214 level of government. Funds shall be expended from item 2000-7070 of section 2A of chapter 286
1215 of the acts of 2014 for the grant program and the department of energy resources may make
1216 available monies from amounts collected by the Department of Energy Resources Credit Trust
1217 Fund under 13 of chapter 25A of the General Laws for the grant program. A regional
1218 comprehensive adaptation management action plan shall include, but not be limited to: (i)
1219 technical planning guidance for adaptive municipalities through a step-by-step process for
1220 regional climate vulnerability assessment and adaptation strategy development; (ii) development

1221 of a definition of regional impacts by supporting municipalities conducting climate vulnerability
1222 assessments; (iii) a demonstrated understanding of regional characteristics, including regional
1223 environmental and socioeconomic characteristics; and (iv) prioritization of protecting identified
1224 vulnerable inland and coastal locations not yet built upon. The grants shall advance statewide,
1225 regional and local efforts to adapt land use, zoning, infrastructure, policies and programs to
1226 reduce the vulnerability of the built and natural environment to changing environmental
1227 conditions as a result of climate change and for the development and implementation of an
1228 outreach and education program in low income and urban areas about climate change and the
1229 effects of climate change.

1230 SECTION 41. The executive office of energy and environmental affairs, in consultation
1231 with the division of capital asset management and maintenance, may acquire by purchase from
1232 willing sellers land abutting or adjacent to areas subject to the ebb and flow of the tide or on
1233 barrier beaches or in velocity zones of flood plain areas, on which structures have been
1234 substantially and repeatedly damaged by severe weather, for conservation and recreation
1235 purposes, including those rejected by the Pre-Disaster Mitigation Grant Program and the Hazard
1236 Mitigation Grant Program administered by the United States Federal Emergency Management
1237 Agency.

1238 Prior to the acquisition of land under this section, the executive office shall develop a
1239 conservation and recreation management plan and a coastal erosion mitigation and management
1240 plan for the land after consultation with the municipality in which the land is located. The plan
1241 shall set forth the priority, description and location of land to be acquired and any land
1242 management agreement reached between the agency and municipality that provides for local
1243 responsibility to carry out the development and management of the property. Land acquired

1244 pursuant to this section shall contain a deed restriction stating that the land shall be used for
1245 conservation and recreation purposes only.

1246 No land shall be acquired under this section until after a public hearing has been held by
1247 the executive office in the municipality in which the land is located to consider the management
1248 plan. The executive office shall notify the mayor and city council or other municipal legislative
1249 body in a city, or the city manager and the municipal legislative body in a Plan D or Plan E form
1250 of government, or the board of selectmen, planning board and conservation commission, if any,
1251 or other municipal legislative body, of a town not later than 10 days prior to a hearing.

1252 If the executive office deems it necessary to make appraisals, surveys, soundings,
1253 borings, test pits or other related examinations to obtain information to carry out this section, the
1254 executive office or its authorized agents or employees may, after due notice by registered mail,
1255 enter upon lands, water and premises, not including buildings, to make the appraisals, surveys,
1256 soundings, borings, test pits or other related examinations and the entry shall not be a trespass.
1257 The executive office shall provide reimbursement for an injury or actual damages resulting to the
1258 lands, waters and premises caused by an act of the executive office or its authorized agents or
1259 employees and shall, so far as possible, restore the lands to the same condition as prior to making
1260 the appraisals, surveys, soundings, borings, test pits or other related examinations.

1261 SECTION 42. (a) The executive office of energy and environmental affairs, acting for
1262 and on behalf of the commonwealth, may lease to a municipality or nonprofit organization, on a
1263 form approved by the attorney general, for not more than 25 years, certain property acquired by
1264 the commonwealth pursuant to section 18B or by the United States Federal Emergency
1265 Management Agency under 42 U.S.C. § 4001 et seq., as amended, for use as conservation and

1266 recreation areas. A lease shall be in the form and contain the provisions as determined by the
1267 secretary of energy and environmental affairs, in consultation with the division of capital asset
1268 management and maintenance, including the terms and conditions as necessary to comply with
1269 laws relative to the protection of barrier beaches. Land shall be leased upon the express
1270 conditions that the land shall be used for conservation and recreation purposes only and that no
1271 permanent structures shall be erected and a reversionary clause that requires the lease to be
1272 terminated if the leased land is used in violation of a law relative to barrier beaches or condition
1273 of the lease shall be included.

1274 (b) In consideration for the granting of a lease authorized in subsection (a), the lessee
1275 municipality or nonprofit organization shall agree to maintain the acquired land as a clean, safe
1276 and orderly conservation or recreation area.

1277 SECTION 43. Pursuant to its authority under section 40 of chapter 131 of the General
1278 Laws, the commissioner of environmental protection shall promulgate rules regulating the
1279 dredging, filling or altering of land subject to coastal storm flowage.

1280 SECTION 44. The executive office of energy and environmental affairs and the
1281 executive office of public safety and security may expend such sums as may be available from an
1282 account, appropriation or fund available to the respective executive offices or to an agency
1283 within those executive offices to carry out chapter 21P of the General Laws, including expenses
1284 in connection with the department's responsibilities under said chapter 21P and the cost of
1285 planning and for the development, redevelopment or improvement of land under said chapter
1286 21P.

1287 SECTION 45. Notwithstanding any general or special law to the contrary, the executive
1288 office of energy and environmental affairs shall develop a pilot program proposal to field test
1289 and deploy superconducting or solid state fault current limiter technologies to maximize
1290 reliability and capacity.

1291 The executive office of energy and environmental affairs shall submit to the clerks of the
1292 senate and house of representatives and to the joint committee on telecommunications, utilities
1293 and energy the details of the pilot program and any legislative recommendations not later than 6
1294 months after the effective date of this act.

1295 SECTION 46. If interoperability standards have not been adopted by a national standards
1296 organization by January 1, 2018, the department of energy resources may adopt interoperability
1297 billing standards for network roaming payment methods for electric vehicle charging stations. If
1298 the department of energy resources adopts interoperability billing standards for electric vehicle
1299 charging stations, electric vehicle charging stations that require payment shall meet those
1300 standards within 1 year. The standards adopted shall consider other governmental or industry-
1301 developed interoperability billing standards and may adopt interoperability billing standards
1302 promulgated by an outside authoritative body.

1303 SECTION 47. (a) There shall be a Pilgrim Nuclear Power Station decommissioning
1304 advisory panel. The advisory panel shall ensure best practices, engage citizens and advise state
1305 and local officials and residents on matters related to the decommissioning and post-closure
1306 activities of the Pilgrim Nuclear Power Station. The advisory panel shall be convened not later
1307 than the date that a written certificate of permanent cessation of operations at Pilgrim Nuclear
1308 Power Station is submitted to the United States Nuclear Regulatory Commission.

1309 The advisory panel shall consist of the following members: the attorney general or a
1310 designee, who shall serve as chair; 1 member of the senate; 1 member of the house of
1311 representatives; the commissioner of public health or a designee; the commissioner of
1312 environmental protection or a designee; the chair of the department of public utilities or a
1313 designee; the director of the Massachusetts emergency management agency or a designee; the
1314 executive director of the Old Colony Planning Council or a designee; the executive director of
1315 the Cape Cod commission or a designee; 1 person appointed by the board of selectmen in the
1316 town of Plymouth; 1 person appointed by Entergy Nuclear Generation Company; the president
1317 of the Utility Workers Union-America local 369 or a designee; 2 persons who shall be members
1318 of the public, 1 to be appointed by the president of the senate and 1 to be appointed by the
1319 minority leader of the senate, 1 of whom shall reside within the emergency planning zone
1320 surrounding Pilgrim Nuclear Power Station, but not in the town of Plymouth; 2 persons who
1321 shall be members of the public, 1 to be appointed by the speaker of the house of representatives
1322 and 1 to be appointed by the minority leader of the house of representatives, 1 of whom shall
1323 reside within the emergency planning zone surrounding Pilgrim Nuclear Power Station, but not
1324 in the town of Plymouth; 2 members of the public to be appointed by the governor, at least 1 of
1325 whom shall reside in Barnstable county; and 1 person with expertise in decommissioning and
1326 post-closure activities appointed by the attorney general. The advisory panel shall invite the
1327 United States Nuclear Regulatory Commission to appoint a designee, who may serve ex officio.
1328 A vacancy on the advisory panel shall be filled by the appointing authority.

1329 (b) The advisory panel shall: (i) hold annual public meetings to discuss issues relating to
1330 post-closure activities; (ii) advise the governor, the general court, executive agencies and the
1331 public on issues related to post-closure activities; (iii) serve as a conduit for public information

1332 and education and encourage community involvement in matters related to post-closure
1333 activities; (iv) receive reports on the Decommissioning Trust Fund as defined by the United
1334 States Nuclear Regulatory Commission and other funds associated with post-closure activities,
1335 including fund balances, expenditures made and reimbursements received; (v) receive reports
1336 regarding post-closure activities, including site assessments and post-closure decommissioning
1337 reports, providing a forum for receiving public comment on assessments and reports and
1338 providing comment on these assessments and reports, as the advisory panel deems appropriate,
1339 to state agencies, interested stakeholders and the owner of the Pilgrim Nuclear Power Station;
1340 (vi) post the documents related to decommissioning and post-closure activities promptly on a
1341 publicly accessible website; and (v) file a report annually with the clerks of the senate and house
1342 of representatives who shall forward the report to the governor and to the senate and house chairs
1343 of the joint committee on telecommunication, utilities and energy.

1344 The advisory panel shall cease operations when the site is released to the public for
1345 unrestricted use or if, upon a majority vote of the members of the advisory panel, the advisory
1346 panel determines that it has served its purpose and its continued existence is no longer necessary.

1347 SECTION 48. There shall be an energy efficiency task force to develop
1348 recommendations and propose statutory changes for the creation of a successor energy efficiency
1349 program or improvements to be made to the current energy efficiency program and such program
1350 or improvements shall be implemented beginning in 2018 at the conclusion of the current 3-year,
1351 statewide energy efficiency plan developed pursuant to section 21 of chapter 25 of the General
1352 Laws. In making its recommendations, the task force shall consider: (i) the successes, challenges
1353 and shortcomings of the current program design; (ii) the role of the program administrators; (iii)

1354 the designation or creation of a single entity, other than a gas or electric company or municipal
1355 aggregator, to run the program; (iv) additional ways to increase market competition; (v)
1356 alternative funding mechanisms for gas and electric energy efficiency; (vi) the identification of
1357 targets for energy efficiency customer participation and cost effective system load reduction; and
1358 (vii) alternative program design and best practices implemented in other states and countries. The
1359 task force shall also consider the cost impact upon the ratepayers.

1360 The task force shall consist of the following members or their designees: the
1361 commissioner of the department of energy resources, who shall serve as chair; the attorney
1362 general; the chair of the department of public utilities; 2 members of the house of representatives,
1363 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall
1364 be appointed by the minority leader; a representative from the low-income weatherization and
1365 fuel assistance program network; a representative from the Northeast Energy Efficiency
1366 Partnerships, Inc.; and 8 members who shall be appointed by the governor, 1 of whom shall be a
1367 representative of the business community, which may include large commercial and industrial
1368 end users, 1 of whom shall be a representative of an energy-efficiency business, 1 of whom shall
1369 be a representative of an electric distribution company, 1 of whom shall be a representative of a
1370 natural gas distribution company, 1 of whom shall be a representative of a municipal aggregator
1371 with a certified energy-efficiency plan pursuant to subsection (b) of section 134 of chapter 164 of
1372 the General Laws, 1 of whom shall be a representative of an energy services company, 1 of
1373 whom shall be a representative of environmental interests and 1 of whom shall be a
1374 representative of labor interests.

1375 The task force shall convene its first meeting by October 1, 2016. The task force may
1376 retain the assistance of experts to conduct research or facilitate the task force process. The task

1377 force shall report on its recommendations, which shall include drafts of legislation, to the senate
1378 and house chairs of the joint committee on telecommunications, utilities and energy by June 1,
1379 2017.

1380 SECTION 49. There shall be a renewable energy infrastructure financing task force
1381 which shall examine industry gaps in financing clean and renewable energy infrastructure in the
1382 commonwealth.

1383 The task force shall consist of the following members: the secretary of energy and
1384 environmental affairs or a designee, who shall serve as chair; the senate chair of the joint
1385 committee on telecommunications, utilities and energy or a designee; the house chair of the joint
1386 committee on telecommunications, utilities and energy or a designee; the commissioner of the
1387 department of energy resources or a designee; the chair of the department of public utilities or a
1388 designee; the president of the Massachusetts clean energy technology center or a designee; the
1389 president of Massachusetts Development Finance Agency or a designee; and 5 persons appointed
1390 by the governor who shall each have expertise in at least 1 of the following subjects: renewable
1391 energy financing, management of clean energy companies or the making or advancing of clean
1392 energy policy.

1393 The task force shall convene its first meeting not later than September 1, 2016. It shall
1394 research and identify gaps in renewable energy infrastructure financing and shall develop a plan
1395 to reduce those gaps, which may include recommendations to stimulate private capital
1396 investment, develop bridge financing mechanisms, encourage community renewable energy
1397 infrastructure, establish a loan program or finance entity, advance public and private partnerships
1398 and other partnerships for financing renewable energy infrastructure that will help meet the

1399 targets established in chapter 298 of the acts of 2008 and chapter 21N of the General Laws. The
1400 plan shall include cost estimates and recommend potential funding sources.

1401 The task force shall file the plan along with recommended regulatory changes and draft
1402 legislation with the governor, the secretary of energy and environmental affairs, the clerks of the
1403 senate and house of representatives, the chairs of the joint committee on telecommunications,
1404 utilities and energy and the chairs of the senate and house committees on ways and means not
1405 later than January 1, 2017.

1406 SECTION 50. The department of energy resources, in consultation with the department
1407 of public utilities, shall conduct a study on the need to modernize the electric grid with the goal
1408 of reducing demand, reducing energy costs to ratepayers, integrating distributed energy
1409 resources, reducing carbon emissions and enhancing reliability and resiliency. As part of the
1410 study, the department shall consider alternative regulatory, incentive and ratemaking structures
1411 and market design, including the creation of an open market for third-party services, to achieve
1412 these goals. The department shall also consider ways to enhance consumer knowledge regarding
1413 energy use and provide energy customers with tools to support effective management of their
1414 energy bills.

1415 As part of the study, the department shall engage in an extensive, open and transparent
1416 stakeholder process. Stakeholders shall consist of, but not be limited to: the attorney general in
1417 the role of the ratepayer advocate or a designee; 2 members of the senate, 1 of whom shall be
1418 appointed by the minority leader; 2 members of the house of representatives, 1 of whom shall be
1419 appointed by the minority leader; an appointee from the Massachusetts Municipal Association,
1420 Inc.; an appointee from the Associated Industries of Massachusetts, Inc.; an appointee from the

1421 National Consumer Law Center, Inc.; and an appointee from the Northeast Clean Energy
1422 Council, Inc.; and an appointee representing environmental interests. The department shall
1423 conduct at least 2 public hearings in geographically diverse locations and shall submit a report,
1424 along with proposed statutory and regulatory changes, to the clerks of the senate and house of
1425 representatives and the house and senate chairs of the joint committee on telecommunications,
1426 utilities and energy not later than October 1, 2017.

1427 SECTION 51. Notwithstanding any special or general law to the contrary, there shall be a
1428 special commission on rapid transit systems to determine the feasibility of permitting
1429 nonexclusive access to rights-of-way to mobility network providers meeting the following
1430 criteria: (i) Privately-funded construction; (ii) privately-operated without government subsidies;
1431 (iii) exceed 120 passenger miles per gallon or equivalent energy efficiency; (iv) exceed safety
1432 performance of transportation modes already approved for use; and (v) gather more than 2
1433 megawatt-hours of renewable energy per network mile per typical day.

1434 The commission shall include, but not be limited to: the secretary of energy and
1435 environmental affairs; the commissioner of energy resources; the secretary of transportation; the
1436 general manager of the Massachusetts Bay Transportation Authority; the chief executive officer
1437 of the Massachusetts clean energy technology center; 2 members of Bay State Sunway; 2
1438 members of the senate, 1 of whom shall be appointed by the minority leader; 2 members of the
1439 house of representatives, 1 of whom shall be appointed by the minority leader.

1440 The commission shall submit a report to the governor, the speaker of the house of
1441 representatives, the president of the senate, the joint committee on transportation and the
1442 Massachusetts Department of Transportation not later than December 31, 2017 setting forth the

1443 commission's findings, together with any recommendations for regulatory or legislative action,
1444 with a timeline for planning, construction, implementation, economic impact and integration of
1445 zero carbon transportation systems.

1446 SECTION 52. The Massachusetts Department of Transportation shall, in consultation
1447 with the zero emission vehicle commission and the department of state police, issue a feasibility
1448 study on authorizing a motor vehicle designated as a zero emissions vehicle, as defined in section
1449 16 chapter 25A, for travel in lanes designated for use by high-occupancy vehicles. The study
1450 shall include, but not be limited to, an examination of existing capacity in lanes designated for
1451 use by high-occupancy vehicles, the impact of zero emission vehicles on the lanes and a plan to
1452 properly differentiate zero emission vehicles to ensure appropriate access. The study shall be
1453 filed with the clerks of the senate and the house of representatives and the senate and house
1454 chairs of the joint committee on transportation not later than December 1, 2016.

1455 SECTION 53. The secretary of transportation shall conduct a feasibility study on the
1456 installation of charging stations for electric vehicles at rest stops along interstate highway route
1457 90 and the implementation of section 75 of chapter 6C of the General Laws. The study and any
1458 recommendations shall be submitted to the clerks of the senate and the house of representatives
1459 and the senate and house chairs of the joint committee on transportation not later than December
1460 31, 2016.

1461 SECTION 54. The secretary of transportation, in consultation with the secretary of
1462 energy and environmental affairs, shall conduct a study examining the advisability and feasibility
1463 of assessing surcharges, levies or other assessments to offset projected gas tax revenue loss from
1464 the purchase or operation of zero emission vehicles. The study shall examine practices in other

1465 states and shall include input from electric vehicle manufacturers, dealers and trade associations,
1466 the zero emission vehicle commission, electric vehicle and fuel cell vehicle manufacturers,
1467 electric vehicle charging station manufacturers and hydrogen providers, as well as transportation,
1468 environmental and clean energy advocacy groups. The report shall be filed with the clerks of the
1469 senate and house of representatives, the chairs of the senate and house committees on ways and
1470 means and the senate and house chairs of the joint committee on transportation not later than
1471 April 1, 2017.

1472 SECTION 55. The department of energy resources, in consultation with the
1473 Massachusetts Department of Transportation, shall conduct a study on the opportunities for
1474 electrification of the state fleet, including the vehicles used by the regional transit authorities.
1475 The study shall be filed with the clerks of the senate and the house of representatives and with
1476 the chairs of the senate and house chairs of the joint committee on transportation not later than
1477 September 1, 2017.

1478 SECTION 56. Notwithstanding any general or special law to the contrary, not later than
1479 30 days after the effective date of this act, the department of public utilities shall open a docket
1480 to investigate the need for additional capacity in the southeastern Massachusetts load zone within
1481 the next 10 years. This investigation shall be completed by March 15, 2017. If there is a
1482 demonstration that the ISO New England, Inc. forward capacity auction immediately preceding
1483 March 15, 2017 concluded with total capacity in the load zone, including excess generating
1484 capacity, in an amount less than the capacity expected to be needed to reliably serve the load to
1485 the load zone during the next subsequent auction after taking into account delist or retirement
1486 bids, the department shall determine whether there is a need for additional electric generating
1487 capacity in the southeastern Massachusetts load zone. This demonstration shall be conclusive

1488 proof of the need for additional electric generating capacity in the southeastern Massachusetts
1489 load zone. In making its determination, the department shall include consideration of ISO New
1490 England, Inc. findings and of the anticipated function of the capacity market in New England.

1491 If the department issues a finding that there is need for additional electric generating
1492 capacity in the southeastern Massachusetts load zone within the next 10 years, the department
1493 may consider the findings prior to the approval of a long-term contract under sections 83B to
1494 83D, inclusive, of chapter 169 of the acts of 2008 and, to the extent practicable, require that a
1495 new long-term contract reasonably demonstrates the delivery of new energy resources to meet
1496 the need.

1497 SECTION 57. The department of public utilities, in consultation with the department of
1498 environmental protection, shall open an investigation to establish specific criteria for the
1499 identification of the environmental impact of gas leaks that have been classified as Grade 3
1500 pursuant to section 144 of chapter 164 of the General Laws and to establish a plan to repair leaks
1501 that are determined to have a significant environmental impact. The department, in consultation
1502 with the department of environmental protection, shall promulgate rules regarding the timeline
1503 and acceptable methods for remediation and repair of a Grade 3 leak determined to have
1504 significant environmental impact; provided, however, that no rule shall abrogate or impair a
1505 provision existing in a collective bargaining agreement relative to the timeline and methods for
1506 remediation and repair of grade 3 leaks during the terms of such agreement. The department of
1507 public utilities shall provide for the recovery of expenses incurred for repairs as part of the most
1508 cost-effective timeline for repairs under a plan submitted under section 145 of chapter 164 of the
1509 General Laws, without a reduction to the recovery for eligible pipe replacement.

1510 SECTION 58. When purchasing new hybrid and alternative fuel vehicles under section
1511 9A of chapter 7 of the General Laws, the commonwealth shall, consistent with the ability of the
1512 vehicles to perform their intended functions, ensure that 25 per cent of the motor vehicles
1513 purchased annually by the commonwealth will be zero emission vehicles by 2025 and ensure that
1514 the fuel efficiency standard under said section 9A of said chapter 7 incorporates intermediate
1515 targets for electric vehicles.

1516 SECTION 59. Notwithstanding section 5, the residential dwelling's energy rating and
1517 label, as established by the department of energy resources in section 11G½ of chapter 25A of
1518 the General Laws, shall not be required to be made available under section 97A of chapter 13 of
1519 the General Laws until January 1, 2018.

1520 SECTION 60. The regulations required pursuant to section 66 shall be promulgated not
1521 later than 180 days after the effective date of this act.

1522 SECTION 61. The comprehensive adaptation management action plan advisory
1523 commission shall complete the first report under subsection (b) of section 3 of chapter 21P of the
1524 General Laws not later than January 1, 2017 and shall complete a revised report at least once
1525 every 10 years thereafter.

1526 SECTION 62. The first comprehensive adaptation management action plan under section
1527 2 of chapter 21P of the General Laws shall be completed not later than January 1, 2018.

1528 SECTION 63. The 2030 statewide greenhouse gas emissions limit under subsection (a) of
1529 section 4 of chapter 21N of the General Laws shall be adopted not later than January 1, 2021.

1530 SECTION 64. The 2040 statewide greenhouse gas emissions limit required under
1531 subsection (a) of section 4 of chapter 21N of the General Laws shall be adopted not later than
1532 January 1, 2031.

1533 SECTION 65. The regulations required under subsection (s) of section 94 of chapter 143
1534 of the General Laws shall be promulgated within 1 year of the effective date of this act.

1535 SECTION 66. A municipality that elects to enter into a community empowerment
1536 contract pursuant to paragraph (2) of subsection (c) of section 134 of chapter 164 of the General
1537 Laws with a company that proposes to construct a renewable energy project shall enter into any
1538 such contract not later than December 31, 2021.

1539 SECTION 67. The department of public utilities shall promulgate the regulations,
1540 guidelines or orders required by paragraph (6) of subsection (c) of section 134 of chapter 164 of
1541 the General Laws within 6 months after the effective date of this act.

1542 SECTION 68. The department of energy resources shall promulgate the regulations or
1543 guidelines required by paragraph (7) of subsection (c) of section 134 of chapter 164 of the
1544 General Laws within 6 months after the effective date of this act.

1545 SECTION 69. Sections 1, 2 and 23 shall take effect on January 1, 2017.

1546 SECTION 70. Sections 4 to 6, inclusive, shall take effect on July 1, 2017.

1547 SECTION 71. Section 32 shall take effect 60 days after the effective date of this act.