HOUSE DOCKET, NO. 3418 FILED ON: 1/20/2017

HOUSE . . . . . No. 3396

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes and Michelle M. DuBois

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to solar power equity in low-income and environmental justice communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Russell E. Holmes	*6th Suffolk*	*1/20/2017*
Michelle M. DuBois	*10th Plymouth*	*1/20/2017*
Carmine L. Gentile	*13th Middlesex*	*12/20/2017*
Jack Lewis	*7th Middlesex*	*12/20/2017*
Evandro C. Carvalho	*5th Suffolk*	*12/20/2017*
James B. Eldridge	*Middlesex and Worcester*	*12/20/2017*
Daniel M. Donahue	*16th Worcester*	*12/20/2017*
Lori A. Ehrlich	*8th Essex*	*12/20/2017*
Denise Provost	*27th Middlesex*	*12/20/2017*
Solomon Goldstein-Rose	*3rd Hampshire*	*12/20/2017*
Marjorie C. Decker	*25th Middlesex*	*12/20/2017*
Cory Atkins	*14th Middlesex*	*12/20/2017*
Steven Ultrino	*33rd Middlesex*	*12/20/2017*
David M. Rogers	*24th Middlesex*	*12/20/2017*
Gerard Cassidy	*9th Plymouth*	*12/20/2017*
Jennifer E. Benson	*37th Middlesex*	*12/20/2017*
Ruth B. Balser	*12th Middlesex*	*12/20/2017*
Carlos González	*10th Hampden*	*12/20/2017*

Jay R. Kaufman	*15th Middlesex*	*12/20/2017*
Paul R. Heroux	*2nd Bristol*	*12/20/2017*
Kay Khan	*11th Middlesex*	*12/20/2017*
Mike Connolly	*26th Middlesex*	*12/20/2017*
Paul W. Mark	*2nd Berkshire*	*12/20/2017*
Tricia Farley-Bouvier	*3rd Berkshire*	*12/20/2017*
Sean Garballey	*23rd Middlesex*	*12/20/2017*
Mary S. Keefe	*15th Worcester*	*12/20/2017*
Angelo J. Puppolo, Jr.	*12th Hampden*	*12/20/2017*
David Paul Linsky	*5th Middlesex*	*12/20/2017*
Christine P. Barber	*34th Middlesex*	*12/20/2017*
John W. Scibak	*2nd Hampshire*	*12/20/2017*
Stephen Kulik	*1st Franklin*	*12/20/2017*
Stephan Hay	*3rd Worcester*	*12/20/2017*
Byron Rushing	*9th Suffolk*	*12/20/2017*
Juana B. Matias	*16th Essex*	*12/20/2017*
Daniel Cullinane	*12th Suffolk*	*12/20/2017*
Barbara A. L'Italien	*Second Essex and Middlesex*	*12/20/2017*
Gailanne M. Cariddi	*1st Berkshire*	*12/20/2017*
Jay D. Livingstone	*8th Suffolk*	*12/20/2017*
John J. Mahoney	*13th Worcester*	*12/20/2017*
Kevin G. Honan	*17th Suffolk*	*12/20/2017*
Diana DiZoglio	*14th Essex*	*12/20/2017*
Jonathan Hecht	*29th Middlesex*	*12/20/2017*
Linda Dorcena Forry	*First Suffolk*	*12/20/2017*
Elizabeth A. Malia	*11th Suffolk*	*12/20/2017*
Adrian Madaro	*1st Suffolk*	*12/20/2017*
Natalie Higgins	*4th Worcester*	*12/20/2017*
Peter V. Kocot	*1st Hampshire*	*12/20/2017*
Julian Cyr	*Cape and Islands*	*12/20/2017*
Daniel J. Ryan	*2nd Suffolk*	*12/20/2017*
Claire D. Cronin	*11th Plymouth*	*12/20/2017*
Alice Hanlon Peisch	*14th Norfolk*	*12/20/2017*
Brendan P. Crighton	*Third Essex*	*12/20/2017*

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HOUSE . . . . . No. 3396

By Representatives Holmes of Boston and DuBois of Brockton, a petition (accompanied by bill, House, No. 3396) of Russell E. Holmes, Michelle M. DuBois and others relative to solar power equity in low-income and environmental justice communities. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to solar power equity in low-income and environmental justice communities.

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

SECTION 1. Section 138 of chapter 164, as so appearing, is hereby amended by inserting after the definition of "Class III net metering facility" the following definition:

"Community shared solar net metering facility", a solar net metering facility with three or more eligible recipients of credits, provided that (1) no more than 50% of the net metering credits produced by the facility are allocated to any one recipient, (2) no more than three recipients may receive net metering credits in excess of those produced annually by 25 kW of nameplate AC capacity and the combined share of said participants' capacity shall not exceed 50% of the total capacity of the Generation Unit, unless otherwise allowed by the Department of Energy Resources, and (3) the recipients have an interest in the production of the facility or the entity that owns the facility, in the form of formal ownership, a lease agreement, or a net metering allocation agreement.

SECTION 2. Section 138 of chapter 164, is further amended by inserting after the definition of “customer” the following definitions:

“Low-income and Environmental Justice Households”, includes (1) are low-income households as defined under section 1 of chapter 40T and (2) households within Environmental Justice populations

“Environmental Justice” means the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of race, income, national origin or English language proficiency. Environmental justice shall include the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies and the equitable distribution of environmental benefits.

"Environmental Justice Household," includes households within Environmental Justice Populations.

"Environmental Justice Population," a neighborhood whose annual median household income is equal to or less than 65 percent of the statewide median or whose population is made up 25 percent minority or lacking English language proficiency or as determined by the Executive Office of Energy and Environmental Affairs pursuant to Executive Order 552.

“Low income solar net metering facility”, a solar net metering facility that allocates all of its output and net metering credits to (1) the providers or residents of publicly-assisted housing under section 1 of chapter 40T or (2) low income and environmental justice households; or (3) entities primarily serving such persons. The Department of Energy Resources may establish an alternate minimum threshold or thresholds for allocation of output and net metering credits to

determine project eligibility if the Department determines a lower threshold is necessary in order to facilitate economic viability of low-income solar net metering facilities or to deliver meaningful economic benefit to recipients.

SECTION 3. Said section 138 of said chapter 164, as so appearing, is hereby further amended by inserting in the definition of “market net metering credit” by striking out the following words:-“that credits shall only be allocated to an account of a municipality or government entity.” and inserting in place thereof the following words:- “that credits shall only be allocated to an account of a municipality or government entity or low-income and Environmental Justice households.”

SECTION 4. Said section 138 of said chapter 164, as so appearing, is hereby further amended by inserting in the definition of "Net metering facility of a municipality or other governmental entity" by striking out the following words:- “or (2) of which the municipality or other governmental entity is assigned 100 per cent of the output.” and inserting in place thereof the following words:- “or (2) of which the municipality, other governmental entity, or low income or environmental justice households are assigned 100 per cent of the output.”

SECTION 5. Section 139 of said chapter 164, as so appearing, is hereby further amended by adding the following subsections:-

(l) Notwithstanding any provision of special or general law to the contrary, a low income solar net metering facility shall receive credits equal to the excess kilowatt-hours by time of use billing period, if applicable, multiplied by the sum of the distribution company's: (i) default service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii) distribution kilowatt-hour charge; (iii) transmission kilowatt-hour charge; and (iv) transition

kilowatt-hour charge; provided, however, that this shall not include the demand side management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of chapter 25.

(m) Notwithstanding any provision of special or general law to the contrary, a community shared solar net metering facility that allocates at least 50% of its credits to low income and EJ households or the providers or residents of publicly-assisted housing under section 1 of chapter 40T or (3) entities primarily serving such persons shall receive credits equal to the excess kilowatt-hours by time of use billing period, if applicable, multiplied by the sum of the distribution company's: (i) default service kilowatt-hour charge in the ISO-NE load zone where the customer is located; (ii) distribution kilowatt-hour charge; (iii) transmission kilowatt-hour charge; and (iv) transition kilowatt-hour charge; provided, however, that this shall not include the demand side management and renewable energy kilowatt-hour charges set forth in sections 19 and 20 of chapter 25.

SECTION 6. Said section 139 of said chapter 164, as so appearing, is hereby amended by striking out in subsection (f) the following words:- “The aggregate net metering capacity of facilities that are not net metering facilities of a municipality or other governmental entity shall not exceed 7 per cent of the distribution company's peak load. The aggregate net metering capacity of net metering facilities of a municipality or other governmental entity shall not exceed 8 per cent of the distribution company's peak load.” and inserting in place thereof the following words:- “The aggregate net metering capacity of facilities that are not net metering facilities of a municipality or other governmental entity shall not exceed 12 per cent of the distribution company's peak load. The aggregate net metering capacity of net metering facilities of a

municipality or other governmental entity shall not exceed 13 per cent of the distribution company's peak load.”

SECTION 7. Chapter 25A of the General Laws is hereby amended by inserting after section 11I the following sections:-

Section 11J. For any solar incentive program created by the Department of Energy Resources, under general law, session law, or other authority, the program shall include a mandatory portion of the incentive to equitably share the economic and environmental benefits of the program in communities facing barriers to access. This shall include low-income solar net metering facilities, as defined in Section 138 of chapter 164, as well as rental housing or residents thereof. The Department may, at its discretion, dedicate part of the incentive to resolve other barriers to equitable access to solar energy if such barriers are identified. The Department shall also specify in program design its plans to reach communities whose primary language is not English.