

SENATE . . . . . No. 1880

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 creating 21st Century Massachusetts Clean Energy Jobs.

PETITION OF:

Table with 3 columns: NAME, DISTRICT/ADDRESS, and Date. Lists 18 petitioners including Marc R. Pacheco, Jason M. Lewis, Jack Lewis, Dylan Fernandes, Michael D. Brady, Mike Connolly, Marjorie C. Decker, Carmine L. Gentile, José F. Tosado, Thomas J. Calter, Sal N. DiDomenico, Brian M. Ashe, Natalie Higgins, John W. Scibak, Cory Atkins, Jennifer E. Benson, Frank I. Smizik, and Adam G. Hinds.

	<i>Hampden</i>	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/31/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/31/2017</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/31/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/31/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/1/2017</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	<i>2/1/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>2/1/2017</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>	<i>2/1/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/1/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/2/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/2/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/2/2017</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>2/2/2017</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>2/2/2017</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>2/2/2017</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/2/2017</i>
<i>Brian Murray</i>	<i>10th Worcester</i>	<i>2/2/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/2/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/2/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/2/2017</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>	<i>2/3/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/3/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/22/2017</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/22/2017</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/22/2017</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/24/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>3/9/2017</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>3/29/2017</i>

**SENATE . . . . . No. 1880**

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1880) of Marc R. Pacheco, Jason M. Lewis, Jack Lewis, Dylan Fernandes and other members of the General Court for legislation to create 21st Century Massachusetts Clean Energy Jobs. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

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

An Act creating 21st Century Massachusetts Clean Energy Jobs.

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

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

3 Section 35EEE. There shall be an Oil Heat Fuel Energy Efficiency Trust Fund. The  
4 commissioner of energy resources shall be the trustee of the fund and may expend money in the  
5 fund to support oil heat energy efficiency programs. There shall be credited to the fund: (i) the  
6 \$0.025 per gallon systems benefit assessment on each gallon of oil heat fuel sold for residential  
7 or commercial use in the commonwealth under section 11J of chapter 25A; (ii) revenue from  
8 appropriations or other money authorized by the general court and specifically designated to be  
9 credited to the fund; (iii) funds from public or private sources including, but not limited to, gifts,  
10 grants, donations, rebates and settlements that are specifically designated to be credited to the  
11 fund; and (iv) the interest earned on money in the fund. The amounts credited to the fund shall

12 not be subject to appropriation and money remaining in the fund at the close of a fiscal year shall  
13 not revert to the General Fund.

14 The commissioner shall expend not less than 20 per cent of the funds collected on  
15 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, 2019, 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 economies 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 report to 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 convening no 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. The General Laws are hereby amended by inserting after chapter 21N the  
181 following chapter: Chapter 21N1/2.

182           GLOBAL WARMING SOLUTIONS IMPLEMENTATION ACT.

183           Section 1. Terms defined in section 1 of chapter 21N have the same meaning when used  
184 in this chapter.

185           Section 2. After conducting the modeling and analysis required in section 3, and no later  
186 than December 31, 2020, the secretary shall adopt the interim 2030 and 2040 emissions limits  
187 consistent with that analysis and as required by section 3(b) of chapter 21N. The interim 2030  
188 emissions limit shall be between 35 and 45 per cent below the 1990 level, and the interim 2040  
189 emissions limit shall be between 55 and 65 per cent below the 1990 level.

190           Section 3. Prior to adopting the interim 2030 and 2040 emissions limits required by  
191 section 3(b) of chapter 21N, the secretary shall conduct detailed, quantitative modeling and  
192 analysis of the commonwealth's energy economy and emissions in their regional context, to  
193 include the regional electric grid, sufficient to identify multiple technically and economically  
194 feasible pathways of reducing statewide emissions consistent with the 2050 emissions limit  
195 required by section 3(b) of chapter 21N. Such modeling and analysis shall employ back-casting  
196 methodology, shall be comparable to that conducted by the European Union in support of its  
197 Roadmap 2050 effort, and may be conducted in conjunction with other states or regional entities  
198 as part of an analysis of reducing regional emissions in 2050 to a level consistent with those  
199 required by chapter 21N for the commonwealth. The secretary shall publish the results of the  
200 modeling and analysis required by this section, and shall also make available for public  
201 inspection and use the model, all model assumptions, and all input and output data.

202           Section 4. Following the adoption of the interim 2030 and 2040 emissions limits  
203 required by section 3(b) of chapter 21N, and in any case no later than December 31, 2023, the  
204 commonwealth and its agencies shall promulgate regulations necessary to achieve declining

205 annual aggregate emissions from sources or categories of sources that emit greenhouse gas  
206 emissions as required to achieve a 2050 statewide emissions limit that is at least 80 per cent  
207 below the 1990 level. The development of such regulations shall be coordinated by the  
208 secretary, and shall be consistent with the modeling and analysis required in section 3 and with  
209 the adopted interim 2030 and 2040 emissions limits. Consistent with section 9 of chapter 21N,  
210 the commonwealth and its agencies are authorized to create, expand, or join market-based  
211 compliance mechanisms, including but not limited to greenhouse gas emissions trading and  
212 carbon pricing programs, in order to achieve required greenhouse gas emissions reductions.

213 SECTION 9. The General Laws are hereby amended by inserting after chapter 21O the  
214 following chapter:-

215 CHAPTER 21P.

216 COMPREHENSIVE ADAPTATION MANAGEMENT ACTION PLANNING IN  
217 RESPONSE TO CLIMATE CHANGE.

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

220 “Adaptation”, a response and process of adjustment to actual or expected climate change  
221 and its effects that seeks to increase the resiliency and reduce the vulnerability of the  
222 commonwealth’s built and natural environments and seeks to moderate or avoid harm or exploit  
223 beneficial opportunities to reduce the safety and health risks that vulnerable human populations  
224 and resources may encounter due to climate change.

225 “Executive office”, the executive office of energy and environmental affairs.

226 “Hazard mitigation”, an effort using nonstructural measures to reduce loss of life and  
227 property by lessening the impacts of major storms.

228 “Plan”, the comprehensive adaptation management action plan.

229 “Public utility company”, a public utility company as defined in clause (7) of paragraph  
230 (j) of section 5 of chapter 21E.

231 “Resilience”, the ability to respond and adapt to changing conditions and withstand and  
232 rapidly recover with minimal damage from disruption due to climate-related events and impacts  
233 that may include, but shall not be limited to, shoreline improvement, seawall maintenance and  
234 expansion, infrastructure improvement or innovative building design and construction.

235 “State agency”, a legal entity of state government established by the legislature as an  
236 agency, board, bureau, department, office or division of the commonwealth with a specific  
237 mission that may either report to an executive office or secretariat or be independent division or  
238 department.

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

248           Section 2. (a) The secretary of energy and environmental affairs and the secretary of  
249 public safety and security, in consultation with appropriate secretariats as determined by the  
250 governor, shall develop, draft, adopt and revise, at least once every 10 years, a comprehensive  
251 adaptation management action plan. The plan shall encourage and provide guidance to state  
252 agencies, state authorities and regional planning agencies to proactively address the  
253 consequences of climate change. The plan shall also provide a process for local and regional  
254 climate vulnerability assessment and adaptation strategy development and implementation and  
255 may encourage and provide guidance to cities and towns to proactively address the consequences  
256 of climate change. The plan and any updates shall be filed with clerks of the senate and the house  
257 of representatives. The plan shall be developed with guidance from the comprehensive  
258 adaptation management action plan advisory commission established in section 3.

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

263           (b) The plan shall include, but not be limited to: (i) a statement setting forth the  
264 commonwealth's goals, priorities and principles for ensuring effective prioritization for the  
265 resiliency, preservation, protection, restoration and enhancement of the commonwealth's built  
266 and natural infrastructure; (ii) a commitment to sound management practices, which shall take  
267 into account the existing natural, built and economic characteristics of the commonwealth's most  
268 vulnerable areas and human populations; (iii) data on existing and projected climate trends,  
269 according to the best and latest data, forecasting and models including, but not limited to,  
270 changes for temperature, precipitation, drought, sea level, and inland and coastal flooding; (iv) a

271 statement on the preparedness and vulnerabilities in the commonwealth's emergency response  
272 and infrastructure resiliency including, but not limited to, energy, transportation,  
273 communications, health and other systems; (v) an assessment of economic vulnerability,  
274 including but not limited to, local businesses in high-risk communities; and (vi) an assessment of  
275 natural resources and ecosystems, identifying vulnerabilities and strategies to preserve, protect,  
276 restore and enhance.

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



294 historic and cultural resources, 1 of whom shall be a property owner in a coastal community, 1 of  
295 whom shall have expertise in small business administration, 1 of whom shall be a certified  
296 floodplain manager and 1 of whom shall have expertise in local government. The secretary of  
297 energy and environmental affairs and the secretary of public safety and security shall jointly  
298 designate an appointee to serve as chair.

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

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

317 those prepared by regional planning councils, municipal and state agency cost assessments  
318 outlined in section 4; and

319 (2) providing information relative to the risks associated with climate change, both means  
320 and extremes, including, but not limited to, the risks associated with changes in temperature,  
321 drought, increased precipitation and coastal and inland flooding identified by the advisory  
322 committee on flood risks created by climate change established under section 39 of chapter 52 of  
323 the acts of 2014.

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

339           Section 5. The secretary of energy and environmental affairs and the secretary of public  
340 safety and security shall, at least 6 months before establishing a comprehensive plan pursuant to  
341 this chapter, provide for public access to the draft plan in electronic and printed copy form and  
342 shall provide for a public comment period, which shall include at least 5 public hearings across  
343 the commonwealth. The secretary of energy and environmental affairs and the secretary of public  
344 safety and security shall publish notice of a public hearing in the environmental monitor at least  
345 30 days but not more than 35 days before the date of a hearing. A notice of a public hearing shall  
346 also be placed at least once each week for the 4 consecutive weeks preceding the hearing in  
347 newspapers with sufficient circulation to notify the residents of the municipality in which the  
348 hearings shall be held. The public comment period shall remain open for at least 60 days from  
349 the date of the final public hearing. After the close of the public comment period, the secretary of  
350 energy and environmental affairs and the secretary of public safety and security shall issue a  
351 final plan and shall file the plan, together with legislation necessary to implement the plan, if  
352 any, by filing the same with the clerks of the senate and the house of representatives.

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

357           SECTION 10. Section 21 of chapter 25 of the General Laws, as appearing in the 2014  
358 Official Edition, is hereby amended by striking out, in line 51, the word “and”.

359           SECTION 11. Clause (iv) of paragraph (2) of subsection (b) of said section 21 of said  
360 chapter 25, as so appearing, is hereby amended by striking out subclause (I) and inserting in

361 place thereof the following 2 subclauses:- “(I) programs for public education regarding energy  
362 efficiency and demand management; and (J) energy storage system programs designed to  
363 enhance demand side management.

364 SECTION 12. The department of energy resources, in conjunction with the  
365 Massachusetts Development Finance Agency, shall develop and implement regulations to  
366 establish a residential sustainable energy program to provide financing to residential property  
367 owners for energy efficient and renewable energy improvements.

368 SECTION 13. Section 11F of chapter 25A, as appearing in the 2014 Official Edition, is  
369 hereby amended by striking out the subsection (a) and inserting in place thereof the following:-

370 Section 11F. (a) The department shall establish a renewable energy portfolio standard for  
371 all retail electricity suppliers selling electricity to end-use customers in the commonwealth. By  
372 December 31, 1999, the department shall determine the actual percentage of kilowatt-hours sales  
373 to end-use customers in the commonwealth which is derived from existing renewable energy  
374 generating sources. Every retail supplier shall provide a minimum percentage of kilowatt-hours  
375 sales to end-use customers in the commonwealth from new renewable energy generating sources,  
376 according to the following schedule: (1) an additional 1 per cent of sales by December 31, 2003 ,  
377 or 1 calendar year from the final day of the first month in which the average cost of any  
378 renewable technology is found to be within 10 per cent of the overall average spot-market price  
379 per kilowatt-hour for electricity in the commonwealth, whichever is sooner; (2) an additional  
380 one-half of 1 per cent of sales each year thereafter until December 31, 2009; (3) an additional 1  
381 per cent of sales every year until December 31, 2017; and (4) an additional 3 per cent of sales  
382 each year thereafter.

383           Beginning in 2018, municipal electric departments and municipal light boards shall  
384 provide a minimum percentage of kilowatt-hours sales to customers in their territory that is  
385 derived from renewable energy generating sources, provided however, that any renewable  
386 energy generated by a qualifying RPS Class I resource owned or leased by the municipal electric  
387 department or municipal light board and sold to customers outside the department's or board's  
388 service territory shall not count toward the minimum percentage of renewable energy kilowatt-  
389 hour sales required under this section.

390           The minimum percentage of kilowatt-hours sales shall be provided according to the  
391 following schedule: (1) one-half of one per cent of sales by December 31, 2018; (2) an additional  
392 one-half of 1 per cent of sales each year thereafter until December 31, 2025; (3) an additional 1  
393 per cent of sales every year until December 31, 2029; and (4) an additional 2 per cent of sales by  
394 December 31, 2030 and each year thereafter. For the purpose of this subsection, a new  
395 renewable energy generating source is one that begins commercial operation after December 31,  
396 1997, or that represents an increase in generating capacity after December 31, 1997, at an  
397 existing facility. Commencing on January 1, 2009, such minimum percentage requirement shall  
398 be known as the "Class I" renewable energy generating source requirement.

399           SECTION 14. Said section 11F of chapter 25A is hereby further amended by striking out  
400 subsection (c), as so appearing, and inserting in place thereof the following:-

401           (c) New renewable energy generating sources meeting the requirements of this subsection  
402 shall be known as Class I renewable energy generating sources. For the purposes of this  
403 subsection, a Class I renewable energy generating source is one that began commercial operation  
404 after December 31, 1997, or represents the net increase from incremental new generating

405 capacity after December 31, 1997 at an existing facility, where the facility generates electricity  
406 using any of the following: (1) solar photovoltaic or solar thermal electric energy; provided,  
407 however, that (i) each such new facility with a nameplate capacity greater than 100 KW or  
408 increased capacity of greater than 100KW at existing facilities shall meet appropriate and site-  
409 specific standards that avoid and minimize impacts on soils, habitat, and water quality including  
410 mitigation and enhancement measures as determined by the department in consultation with  
411 relevant state and federal environment and natural resource agencies; (2) wind energy; (3) ocean  
412 thermal, wave or tidal energy; (4) fuel cells utilizing renewable fuels; (5) landfill gas; (6) energy  
413 generated by new hydroelectric facilities, or incremental new energy from increased capacity or  
414 efficiency improvements at existing hydroelectric facilities; provided, however, that (i) each such  
415 new facility or increased capacity or efficiency at each such existing facility must meet  
416 appropriate and site-specific standards that address adequate and healthy river flows, water  
417 quality standards, fish passage and protection measures and mitigation and enhancement  
418 opportunities in the impacted watershed as determined by the department in consultation with  
419 relevant state and federal agencies having oversight and jurisdiction over hydropower facilities;  
420 (ii) only energy from new facilities having a capacity up to 25 megawatts or attributable to  
421 improvements that incrementally increase capacity or efficiency by up to 25 megawatts at an  
422 existing hydroelectric facility shall qualify; and (iii) no such facility shall involve pumped  
423 storage of water or construction of any new dam or water diversion structure constructed later  
424 than January 1, 1998; (7) low emission advanced biomass power conversion technologies using  
425 fuels such as wood, by-products or waste from agricultural crops, food or animals, energy crops,  
426 biogas, liquid biofuel including but not limited to biodiesel, organic refuse-derived fuel, or algae;  
427 (8) marine or hydrokinetic energy as defined in section 3; or (9) geothermal energy. A Class I

428 renewable generating source may be located behind the customer meter within the ISO -NE  
429 control area if the output is verified by an independent verification system participating in the  
430 NEPOOL GIS accounting system and approved by the department.

431 SECTION 15. Said chapter 25A is hereby amended by inserting after section 11G the  
432 following section:-

433 Section 11G½. (a) The department shall establish an energy rating and labeling system  
434 that stores and provides information regarding energy performance of single family residential  
435 dwellings, multi-family residential dwellings with less than 5 units and condominium units. The  
436 energy rating and labeling system shall provide a consistent scoring method regarding the energy  
437 performance of a residential dwelling that is based upon the physical assets of the unit. The  
438 energy rating and labeling system shall include, but not be limited to, information regarding  
439 annual: (i) energy consumption by fuel; (ii) energy costs for electricity and thermal needs; and  
440 (iii) carbon or greenhouse gas emissions.

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

450 (c) The department may promulgate regulations that are necessary to implement this  
451 section

452 SECTION 16. Said chapter 25A is hereby further amended by inserting after section 11I  
453 the following section:-

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

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

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

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

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

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



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

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

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

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

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

482 (b) (1) The department shall require a systems benefit assessment of \$.025 per gallon on  
483 each gallon of oil heat fuel sold for residential or commercial use in the commonwealth in order  
484 to establish oil heat energy efficiency programs. The assessment shall be collected at the point of  
485 sale of oil heat fuel by a wholesale distributor to a person other than a wholesale distributor,  
486 including a sale made pursuant to an exchange. A wholesale distributor shall be responsible for  
487 payment of the assessment to the department on a quarterly basis and shall provide to the  
488 department certification of the volume of fuel sold. No. 1 distillate and No. 2 dyed distillate fuel  
489 sold for uses other than as oil heat fuel are excluded from the assessment. Distillate fuel used by  
490 vessels, railroad, utilities, farmers and the military are exempt from the assessment. The

491 department shall deposit the assessment collected in the Oil Heat Fuel Energy Efficiency Trust  
492 Fund under section 35EEE of chapter 10.

493 (2) The funds shall be disbursed by the commissioner of energy resources to the program  
494 administrators and expended by the program administrators pursuant to this section, and subject  
495 to the approval of the energy efficiency advisory council established in section 22 of chapter 25,  
496 to design, market and provide cost-effective energy efficiency programs for residential and  
497 commercial customers who utilize oil heat fuel for space heat or domestic hot water heating.

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

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

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

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

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

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

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

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

525 (6) The energy efficiency advisory council, in collaboration with the program  
526 administrator, shall prepare an annual report for submission to the house and senate chairs of the  
527 joint committee on telecommunications, utilities and energy and the public through the  
528 department of energy resources that shall include, but shall not limited to: a description of the  
529 amount and use of proceeds from the oil heat systems benefit assessment; a description of the  
530 energy efficiency programs funded through the proceeds; the demonstration of consumer  
531 savings, cost-effectiveness and the lifetime and annual energy savings achieved by the energy  
532 efficiency programs funded; and the lifetime and annual greenhouse gas emissions benefits  
533 achieved by energy efficiency programs funded.

534 SECTION 17. (a) On or before December 31, 2018, the department of energy resources  
535 shall set a statewide deployment target of 1,766 MW of cost effective energy storage to be  
536 achieved by January 1, 2025.

537 (b) On or before December 31, 2020, the department of energy resources shall set a  
538 subsequent statewide energy storage deployment target to be achieved by January 1, 2030.

539 (c) Energy storage targets established in subsections (a) and (b) shall include limits on the  
540 quantity of energy storage that can be owned by load serving entities.

541 (d) As part of the determinations in subsections (a) and (b), the department may consider  
542 a variety of policies to encourage the cost-effective deployment of energy storage systems,  
543 including the refinement of existing procurement methods to properly value energy storage  
544 systems, the use of alternative compliance payments to develop pilot programs, the use of energy  
545 storage to replace baseload generation and the use of energy efficiency funds under section 19 of  
546 chapter 25 of the General Laws if the department determines that customer-owned energy  
547 storage provides sustainable peak load reductions on either the electric or gas distribution  
548 systems and is otherwise consistent with section 11G of chapter 25A of the General Laws.

549 (e) The department shall reevaluate the procurement targets not less than once every 3  
550 years.

551 (f) Not later than January 1, 2025, each load serving entity shall submit a report to the  
552 department of energy resources demonstrating that it has complied with the energy storage  
553 system procurement targets and policies adopted by the department pursuant to subsection (a).

554 (g) Not later than January 1, 2030, each load serving entity shall submit a report to the  
555 department of energy resources demonstrating that it has complied with the energy storage  
556 system procurement targets and policies adopted by the department pursuant to subsection (b).

557 (h) The department may establish alternative compliance payments for load serving  
558 entities for failure to procure energy storage in sufficient quantities to meet the targets  
559 established in subsections (a) and (b).

560 SECTION 18. Section 94A of chapter 164 of the General Laws is amended by inserting,  
561 at the end thereof, the following paragraph:

562 The department shall not approve any pipeline capacity contract or gas storage contract  
563 where new capacity is proposed to be created through the installation of gas infrastructure in land  
564 that, at the time the contract is submitted to the department for approval, is protected under  
565 Article 97 of the Articles of Amendments to the Constitution of the Commonwealth. Subsequent  
566 siting approvals of gas infrastructure in such constitutionally protected land shall void  
567 departmental approval of related pipeline capacity or gas storage contracts.

568 SECTION 19. Said section 94A of chapter 164 of the General Laws, as appearing in the  
569 2014 Official Edition, is hereby further amended by adding the following paragraph:-

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

572 SECTION 20. Section 134 of said chapter 164, as so appearing, is hereby amended by  
573 adding the following subsection:

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

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

579 “Community empowerment contract” or “contract”, an agreement between a municipality  
580 and the developer, owner or operator of a renewable energy project.

581 “Customer”, an electricity end-use customer of an electric utility distribution company  
582 regardless of how that customer receives energy supply services.

583 “Department”, the department of public utilities.

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

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

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

592 “Renewable energy certificate”, a certificate representing the environmental attributes of  
593 1 megawatt hour of electricity generated by a renewable energy project, the creation, use and  
594 retirement of which is administered by ISO New England, Inc.

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

597 “Renewable energy project” or “project”, a facility that generates electricity using a Class  
598 1 renewable energy resource and is qualified by the department of energy resources as eligible to  
599 participate in the renewable energy portfolio standard under section 11F of chapter 25A and to  
600 sell renewable energy certificates under the program.

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

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

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

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

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

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

618 (iii) the contract shall be structured as a contract for differences so as to stabilize  
619 electricity prices for participants and shall specify a fixed price for the energy and renewable  
620 energy certificates to be generated by the project; provided, however, that the contract shall also  
621 specify a means by which the project's contracted amount of energy and renewable energy  
622 certificates shall be sold to a third party, at a price established by the wholesale market or an  
623 index and as agreed by the parties to the contract, and the proceeds from which shall be credited  
624 to the amount owed from the participants to the project; provided further, that if the amount  
625 earned in a sale exceeds the agreed fixed price, the participants shall be credited from the project  
626 for the difference between the sale price and the contracted fixed price; and provided further, that  
627 a contract shall not be an agreement to physically deliver electric energy to the participants but it  
628 may require delivery of renewable energy certificates;

629 (iv) the contract shall specify whether renewable energy certificates from the  
630 renewable energy project are to be provided and, if so provided, shall specify how the renewable  
631 energy certificates are to be transmitted and disposed of or retired; provided, however, that  
632 renewable energy certificates purchased through a contract may be: (A) assigned to the load of  
633 each participant or subset of participants, as stipulated in the contract, so as to increase the  
634 amount of renewable energy attributed to use by the participants in the aggregate; or (B) sold in a  
635 transparent, competitive process, the proceeds from which shall be applied to the contract for  
636 differences mechanism under clause (iii); and provided further, that a renewable energy  
637 certificate purchased through a contract shall not be used by a basic service supply provider or  
638 competitive supply provider to meet its requirements under the renewable energy portfolio



639 standard unless the renewable energy certificate is first sold to the supplier in a competitive,  
640 transparent process under this clause;

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

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

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

655 (4) A town may enter into a community empowerment contract upon authorization by a  
656 majority vote of town meeting, town council or other municipal legislative body. A city may  
657 authorize a community empowerment contract by a majority vote of the city council or  
658 municipal legislative body, with the approval of the mayor or the city manager in a Plan D or  
659 Plan E form of government. Two or more municipalities may initiate a process jointly to  
660 authorize community empowerment contracting by a majority vote of each municipality under

661 this paragraph. Prior to an authorizing vote, a public hearing shall be held to inform the  
662 municipalities of the proposed contract, the impact on residents and information on how to opt  
663 out of the contract if it proceeds. This hearing shall specify the proposed project under the  
664 contract and the length of the contract. An entity that is not a party to the contract shall estimate  
665 the contract's rate impacts under reasonable scenarios for future energy prices and the estimates  
666 shall be presented. The proposed project and contract information, estimated rate impact on  
667 constituents, procedure for customers to opt out of the proposed contract and information  
668 regarding the public hearing shall also be mailed to the residents of the municipalities 30 days  
669 before the hearing.

670 (5) The electricity customers within a municipality shall be required to participate in a  
671 community empowerment contract; provided, however, that a customer may opt not to  
672 participate in a contract if the customer provides notice to an administrator designated by the  
673 municipality within 90 days after the vote authorizing a contract or, in the case of a residential  
674 user receiving a low-income electric rate, at any time. A residential or small commercial  
675 customer that establishes service in the municipality after a proposed contract shall have 90 days  
676 to opt not to participate. No customer shall be a participant in a contract if that customer uses  
677 more than 5 per cent of the total annual electricity usage of the electricity customers located  
678 within a single municipality that is a party to the contract or, in the case of a contract with a  
679 group of municipalities, 5 per cent of the total annual electricity usage of the electricity  
680 customers located in the group of municipalities that are parties to the contract. A large  
681 commercial customer within a municipality may become a participant unless otherwise  
682 prohibited and, upon electing to become a participant, shall remain a participant for the

683 remainder of the community empowerment contract as long as the large commercial customer  
684 continues to be located within the municipality.

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

686 (i) establish the manner in which a municipality may request from a distribution  
687 utility, and which the distribution utility shall provide in a timely manner, the summary historic  
688 load and payment information of the electricity customers within the municipality that is  
689 necessary for a municipality to request and analyze a proposal for a community empowerment  
690 contract; provided, however, that the distribution utility may charge the municipality for  
691 verifiable, reasonable and direct costs associated with providing the information as approved by  
692 the department generally or on a case-by-case basis;

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

699 (iii) establish guidelines or standards by which the contract administrator under  
700 clause (vi) of paragraph (3) shall: (A) provide utility adjustments to charges to the distribution or  
701 credits to participants via a line item on the distribution utility bill; and (B) provide information  
702 to the distribution utility that is necessary to enable it to make or receive payments to or from the  
703 project and to others as necessary; provided, however, that each community empowerment  
704 contract shall be indicated on a participant's distribution utility bill by a line item specific to the

705 contract; and provided further, that a distribution utility may recover verifiable and reasonable  
706 costs for the implementation of this subsection from a contract party or participant except as  
707 provided for in clause (iv). Should implementation of this subsection require changes to the  
708 distribution utility company's billing system that would not otherwise be incurred, the cost of  
709 implementing such changes may, upon approval by the department as being verifiable,  
710 reasonable, and necessary to implement this subsection, be paid for by ACP funds or, if available  
711 ACP funds are insufficient, by the Massachusetts Renewable Energy Trust Fund, as established  
712 by General Laws chapter 23J, section 9.

713 (iv) establish guidelines or standards by which distribution company customers  
714 may receive or access accurate energy source disclosure information, taking into account the  
715 renewable energy certificates that may be ascribed to each customer's electricity usage and  
716 regardless of the source from which the renewable energy certificates were supplied or  
717 purchased. Should implementation of this subsection require changes to the distribution utility  
718 company's billing system that would not otherwise be incurred, the cost of implementing such  
719 changes may, upon approval by the department as being verifiable, reasonable, and necessary to  
720 implement this subsection, be paid for by ACP funds or, if available ACP funds are insufficient,  
721 by the Massachusetts Renewable Energy Trust Fund, as established by General Laws chapter  
722 23J, section 9.

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

724 (i) establish the manner in which, in the case of a community empowerment  
725 contract in which the renewable energy certificates are to be assigned to participants, the

726 renewable energy certificates may be transmitted and retired appropriately and the energy source  
727 disclosure information accurately provided to participants; and

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

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

735 (8) A community empowerment contract shall be in addition to, and aside from, an  
736 electricity supply contract that a customer may have at the time of the contract or that that the  
737 customer may later seek to establish. A municipality that enters into a community empowerment  
738 contract under this subsection shall not be considered a wholesale or retail electricity supplier. A  
739 community empowerment contract shall not require participants to change their choice of  
740 electricity supplier regardless of whether the supplier is a competitive supplier or a basic service  
741 supplier.

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

744 (10) Not later than 1 year after a municipality enters into the first community  
745 empowerment contract through the pilot program, and annually thereafter for 5 years, the  
746 secretary of energy and environmental affairs shall submit a report to the house and senate chairs  
747 of the joint committee on telecommunications, utilities and energy that details the results of the

748 pilot program, including information on the renewable energy projects funded under the pilot  
749 program and the effects of the pilot program on: (i) the stabilization of prices for electricity  
750 customers; (ii) the enhancement of local energy security and reliability; (iii) the fostering of  
751 economic development; and (iv) the reduction of electric system carbon emissions.

752 SECTION 21. Section 139 of chapter 164 is hereby amended by striking out subsection  
753 (f) and inserting in place thereof the following subsection:- (f) No aggregate net metering cap  
754 shall apply to solar net metering facilities with the exception that the maximum amount of  
755 generating capacity eligible for net metering by a municipality or other governmental entity shall  
756 be 10 megawatts.

757 SECTION 22. Section 9 (j) of Chapter 75 of the Acts of 2016 is hereby amended by  
758 striking the first sentence of the third paragraph and inserting at the beginning of the paragraph:-

759 The department shall exempt any monthly minimum reliability contribution for low-  
760 income ratepayers and community solar ratepayers. The department may exempt or modify any  
761 monthly minimum reliability contribution for municipal ratepayers.

762 SECTION 23. Chapter 169 of the acts of 2008, as amended by Chapter 188 of the acts of  
763 2016, is hereby amended by striking sections 83B through 83D and inserting in place thereof the  
764 following:-

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

767 “Affiliated company”, an affiliated company as defined in section 85 of chapter 164 of  
768 the General Laws.

769 “Clean energy generation”, (i) hydroelectric generation; (ii) new Class I renewable  
770 portfolio standard eligible resources that are firming up with hydroelectric generation; or (iii) new  
771 Class I renewable portfolio standard eligible resources.

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

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

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

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

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

787 Section 83C. (a) Not later than April 1, 2017, every distribution company shall, with the  
788 department of energy resources, jointly and competitively solicit proposals for offshore wind  
789 energy generation. If the department of energy resources, in consultation with the independent

790 evaluator under subsection (e), determines that any reasonable proposal has been received, the  
791 distribution companies shall enter into cost-effective long-term contracts, subject to the approval  
792 of the department of public utilities, to facilitate the financing of offshore wind energy  
793 generation resources and the reaching of the commonwealth's emission reduction targets and  
794 goals under chapter 298 of the acts of 2008 and chapter 21N of the General Laws, apportioned  
795 among the distribution companies under this section. Each subsequent solicitation shall seek  
796 proposals of approximately 400 to 800 megawatts, inclusive, of aggregate nameplate capacity.

797 (b) The timetable and method of solicitation of long-term contracts shall be proposed  
798 jointly by the distribution companies and the department of energy resources. The distribution  
799 companies, in coordination with the department of energy resources, shall consult with the office  
800 of the attorney general regarding the choice of solicitation methods. The department of energy  
801 resources shall be a full participant in the execution and evaluation of all proposals. The  
802 timetable and method shall be reviewed and approved by the department of public utilities. A  
803 solicitation may be coordinated and issued jointly with other New England states or entities  
804 designated by those states. The distribution companies shall conduct at least 3 competitive  
805 solicitations through a staggered procurement schedule developed by the distribution companies  
806 and the department of energy resources; provided, however, that the distribution companies shall  
807 jointly enter into cost-effective long-term contracts for offshore wind energy generation equal to  
808 approximately 4,000 megawatts of aggregate nameplate capacity not later than June 30, 2027.  
809 The first solicitation shall seek proposals of approximately 400 megawatts of aggregate  
810 nameplate capacity; provided, however, that subsequent solicitations shall occur within  
811 approximately 24 months of a previous solicitation.; provided further, that the department of  
812 energy resources may determine and require subsequent solicitations and procurements beyond



813 4,000 megawatt-hours if in the best interests of the commonwealth and to ensure compliance  
814 with chapter 298 of the acts of 2008. If the department determines that additional solicitations are  
815 necessary, it shall submit a report to the general court explaining its rationale and the general  
816 court shall have 60 days to review the report and submit a response.

817         The department of public utilities shall not approve a long-term contract that results from  
818 a subsequent solicitation and procurement period if the levelized cost of energy or the net present  
819 value of the contract price per megawatt hour in constant dollars that results from that  
820 subsequent procurement is greater than or equal to the levelized cost of energy or net present  
821 value of the contract price per megawatt hour in constant dollars that resulted from the previous  
822 procurement. The department of public utilities shall make a final approved long-term contract  
823 price public. For the purposes of this section, “levelized cost of energy” shall include  
824 transmission and renewable energy certificates.

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

830         The department of energy resources shall require that bidding offshore wind developers  
831 demonstrate that the bidding offshore wind developers have the ability and financial means to  
832 complete their proposed project. If the department of energy resources determines that no  
833 reasonable proposal was received in response to a solicitation, the department may terminate the  
834 solicitation. If the department, in consultation with the independent evaluator, deems all

835 proposals under a solicitation to be unreasonable, it shall issue public, written findings and the  
836 independent evaluator shall review the findings and issue an independent assessment of the  
837 decision by the department of energy resources to deem every proposal unreasonable. If the  
838 department, in consultation with the independent evaluator, deems all proposals under a  
839 solicitation to be unreasonable, it shall issue public, written findings and the independent  
840 evaluator shall review the findings and issue an independent assessment of the decision by the  
841 department of energy resources to deem every proposal unreasonable. The department of energy  
842 resources may reconsider any proposal based upon a recommendation from the independent  
843 evaluator.

844 (c) In developing proposed long-term contracts, the distribution companies shall consider  
845 long-term contracts for renewable energy certificates for energy and for a combination of both  
846 renewable energy certificates and energy. Notwithstanding a determination from the department  
847 of energy resources that a proposal is reasonable, a distribution company may decline to pursue a  
848 proposal if the proposal's terms and conditions would require the contract obligation to place an  
849 unreasonable burden on the distribution company's balance sheet; provided, however, that the  
850 distribution company shall take all reasonable actions to structure the contracts, pricing or  
851 administration of the products purchased under this section in order to prevent or mitigate an  
852 impact on the balance sheet or income statement of the distribution company or its parent  
853 company, subject to the approval of the department of public utilities; provided further, that  
854 mitigation shall not increase costs to ratepayers. If a distribution company deems all proposals to  
855 be unreasonable, the distribution company shall, within 20 days of the date of its decision,  
856 submit a filing to the department of public utilities. The filing shall include, in the form and  
857 detail prescribed by the department of public utilities, documentation supporting the distribution

858 company's decision to decline the proposals. Following a distribution company's filing, and  
859 within 4 months of the date of the filing, the department of public utilities shall approve or reject  
860 the distribution company's decision and may order the distribution company to reconsider any  
861 proposal. If distribution companies are unable to agree on a winning bid following a solicitation  
862 under this section, the matter shall be submitted to the department of energy resources which  
863 shall, in consultation with the independent evaluator, issue a final, binding determination of the  
864 winning bid. The department of energy resources may require additional solicitations to fulfill  
865 the requirements of this section.

866 (d)(1) The department of public utilities shall promulgate regulations consistent with this  
867 section. The regulations shall: (i) allow offshore wind developers of offshore wind energy  
868 generation to submit proposals that are consistent with this section for long-term contracts; (ii)  
869 require that a proposed long-term contract executed by the distribution companies under a  
870 proposal be filed with and approved by the department of public utilities before becoming  
871 effective; (iii) require transmission costs to be incorporated into a proposal; (iv) after the  
872 approval by the department of public utilities of a long-term contract, require an offshore wind  
873 developer to proceed with reasonable promptness and diligence to provide offshore wind energy  
874 resources; (v) allow offshore wind energy generation resources to be paired with energy storage  
875 systems; and (vi) require that offshore wind energy generating resources to be used by a  
876 developer under the proposal: (A) provide enhanced electricity reliability; (B) are cost effective  
877 to electric ratepayers in the commonwealth over the term of the contract, taking into  
878 consideration costs and benefits, including economic and environmental benefits and existing or  
879 reasonably anticipated federal and state environmental requirements; (C) avoid line loss and  
880 mitigate transmission costs to the extent possible and ensure that transmission cost overruns, if

881 any, are not borne by ratepayers; (D) moderate system peak load requirements; (E) adequately  
882 demonstrate project viability in a commercially reasonable timeframe; (F) avoid, minimize and  
883 mitigate environmental impacts; and (G) promote additional employment and economic  
884 development. The department of energy resources shall give preference to proposals that  
885 demonstrate a benefit to low-income ratepayers in the commonwealth, without adding cost to the  
886 project.

887 (2) The department of energy resources shall, subject to agreement with an offshore wind  
888 developer, require an offshore wind developer that has executed a final long-term contract  
889 approved by the department of public utilities to provide data to the department of energy  
890 resources. The data shall be provided to the department not more than once every 6 months. The  
891 offshore wind developer providing the data shall agree, as a condition of submitting a proposal  
892 under this section, that it will in good faith pursue a data agreement with the department of  
893 energy resources. The agreement shall provide that the department of energy resources shall not  
894 disclose data or other confidential or proprietary information provided by the offshore wind  
895 developer to the department of energy resources under the data agreement and shall otherwise  
896 protect the data for an agreed upon period of time which shall not be more than 24 months after  
897 the date on which the data was collected. For the purposes of this paragraph, “data” shall mean  
898 primary data observations and metadata collected and stored by or on behalf of the offshore wind  
899 developer in relation to investigation modeling and monitoring of the development site or, if  
900 mutually agreed upon, the surrounding area related to meteorological, geotechnical,  
901 oceanographic or other environmental characteristics as determined by the department of energy  
902 resources.

903 (e) The department of energy resources and the attorney general shall jointly select, and  
904 the department of energy resources shall contract with, an independent evaluator to monitor,  
905 participate in and report on the solicitation and bid selection process in order to assist the  
906 department of energy resources in determining if a received proposal is reasonable and to assist  
907 the department of public utilities in its consideration of long-term contracts filed for approval. To  
908 ensure an open, fair and transparent solicitation and bid selection process that is not unduly  
909 influenced by an affiliated company, the independent evaluator shall: (i) be paid an equal amount  
910 and in full by each offshore wind developer submitting a proposal for the solicitation; (ii) issue a  
911 report to the department of public utilities, upon its review of the timetable and method of  
912 solicitation, that analyzes the proposed solicitation process and includes recommendations, if  
913 any, for improving the process; and (iii) upon the opening of an investigation by the department  
914 of public utilities into a proposed long-term contract for a winning bid proposal, file a report with  
915 the department of public utilities that summarizes and analyzes the solicitation and the bid  
916 selection process and provide its independent assessment of whether all bids were evaluated in a  
917 fair and objective manner. The independent evaluator shall also issue an assessment of whether a  
918 winning bid proposal complies with the regulations under subsection (d). The independent  
919 evaluator shall have access to the information and data related to the competitive solicitation and  
920 bid selection process that is necessary to fulfill the purposes of this subsection; provided,  
921 however, that the independent evaluator shall ensure that proprietary information shall remain  
922 confidential. The department of public utilities shall consider the findings of the independent  
923 evaluator and may adopt recommendations made by the independent evaluator as a condition for  
924 approval. If the independent evaluator concludes in the findings that the solicitation and bid

925 selection of a long-term contract was not fair and objective and that the process was substantially  
926 prejudiced as a result, the department of public utilities shall reject the bid proposal.

927 (f) A proposed long-term contract shall be subject to the review and approval of the  
928 department of public utilities. As part of its approval process, the department of public utilities  
929 shall consider the attorney general's recommendations, which shall be submitted to the  
930 department of public utilities within 45 days following the filing of the proposed contract with  
931 the department of public utilities. The department of public utilities shall consider the potential  
932 costs and benefits of the proposed contract and shall approve a proposed contract if it finds that  
933 the proposed contract is a cost-effective mechanism for procuring reliable renewable energy on a  
934 long-term basis. The department of public utilities' consideration of potential costs and benefits  
935 shall include consideration of non-price economic and environmental benefits, existing or  
936 reasonably anticipated federal and state environmental requirements, other factors outlined in  
937 this section and the commonwealth's goals under chapter 298 of the acts of 2008 and chapter  
938 21N of the General Laws. A distribution company shall be entitled to cost recovery of payments  
939 made under a long-term contract approved under this section.

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

944 (h) A distribution company shall sell energy and capacity purchased under a long-term  
945 contract in the wholesale market through a competitive bid process in order to minimize the costs  
946 to ratepayers under the contract. A distribution company may elect to retain renewable energy

947 certificates to meet the applicable annual renewable portfolio standard requirements under said  
948 section 11F of said chapter 25A. If renewable energy certificates are not so used, distribution  
949 companies shall sell the purchased renewable energy certificates through a competitive bid  
950 process to minimize the costs to ratepayers under the contract; provided, however, that the  
951 department of energy resources shall conduct periodic reviews to determine the impact on the  
952 energy and renewable energy certificate markets of the disposition of energy and renewable  
953 energy certificates under this section. The department may issue reports recommending  
954 legislative changes if it determines that said disposition of energy and renewable energy  
955 certificates is adversely affecting the energy and renewable energy certificate markets.

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

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

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

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

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

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

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

989 (b) The timetable and method for solicitation of long-term contracts shall be proposed  
990 jointly by the distribution companies and the department of energy resources. The distribution



991 companies, in coordination with the department of energy resources, shall consult with the  
992 attorney general's office regarding the choice of solicitation method. The department of energy  
993 resources shall be a full participant in the execution and evaluation of the proposals. The  
994 timetable and method for solicitation shall be reviewed and approved by the department of public  
995 utilities. A solicitation may be coordinated and issued jointly with other New England states or  
996 entities designated by those states. The distribution companies shall conduct 1 or more  
997 competitive solicitations through a schedule or staggered procurement schedule developed by the  
998 distribution companies and the department of energy resources; provided, however, that the  
999 distribution companies shall enter into cost-effective long-term contracts for clean energy  
1000 generation for an annual amount of electricity of at least 12,450,000 megawatt-hours by  
1001 December 31, 2018; provided further, that the 12,450,000 megawatt-hours shall be in  
1002 commercial operation by December 31, 2020; and provided further, that the department of  
1003 energy resources may determine and require subsequent solicitations and procurements beyond  
1004 12,450,000 megawatt-hours if in the best interests of the commonwealth and to ensure  
1005 compliance with chapter 298 of the acts of 2008. If the department determines that additional  
1006 solicitations are necessary, it shall submit a report to the general court explaining its rationale  
1007 and the general court shall have 60 days to review the report and submit a response..

1008           If the department of energy resources determines that no reasonable proposal was  
1009 received in response to a solicitation, the department may terminate the solicitation. If the  
1010 department of energy resources, in consultation with the independent evaluator, deems all  
1011 proposals under a solicitation to be unreasonable, it shall issue public, written findings and the  
1012 independent evaluator shall review the findings and issue an independent assessment of the  
1013 decision by the department of energy resources to deem the proposals unreasonable. The

1014 department of energy resources may reconsider any proposal based upon a recommendation from  
1015 the independent evaluator.

1016 The department of energy resources shall give preference to proposals that include both  
1017 hydroelectric generation and new Class 1 eligible resources and give preference to proposals that  
1018 include firm service.

1019 (c) In developing proposed long-term contracts, the distribution companies shall consider  
1020 long-term contracts for renewable energy certificates for energy and for a combination of both  
1021 renewable energy certificates and energy, if applicable. A distribution company may decline to  
1022 to pursue a proposal if the proposal's terms and conditions would require the contract obligation  
1023 to place an unreasonable burden on the distribution company's balance sheet; provided, however,  
1024 that the distribution company shall take all reasonable actions to structure the contracts, pricing  
1025 or administration of the products purchased under this section in order to prevent or mitigate  
1026 impacts on the balance sheet or income statement of the distribution company or its parent  
1027 company, subject to the approval of the department of public utilities; provided further, that the  
1028 mitigation shall not increase costs to ratepayers. If a distribution company deems all proposals to  
1029 be unreasonable, the distribution company shall, within 20 days of the date of its decision,  
1030 submit a filing to the department of public utilities. The filing shall include, in the form and  
1031 detail prescribed by the department of public utilities, documentation supporting the distribution  
1032 company's decision to decline the proposals. Following a distribution company's filing, and  
1033 within 4 months of the date of the filing, the department of public utilities shall approve or reject  
1034 the distribution company's decision and may order the distribution company to reconsider any  
1035 proposal. If distribution companies are unable to agree on a winning bid under a solicitation  
1036 under this section, the matter shall be submitted to the department of energy resources which

1037 shall, in consultation with the independent evaluator, issue a final, binding determination of the  
1038 winning bid. The department of energy resources may require additional solicitations to fulfill  
1039 the requirements of this section.

1040 (d) The department of public utilities shall promulgate regulations consistent with this  
1041 section. The regulations shall: (i) allow developers of clean energy generation resources to  
1042 submit proposals that are consistent with this section for long-term contracts; (ii) require that  
1043 contracts executed by the distribution companies under the proposals are filed with, and  
1044 approved by, the department of public utilities before they become effective; (iii) require  
1045 transmission costs to be incorporated into a proposal, whether the costs are a part of the bid price  
1046 or related to the delivery of the assigned energy via a federally-regulated transmission tariff;  
1047 provided, however, that the department of public utilities may authorize or require the relevant  
1048 parties to seek recovery of the transmission costs of the project through federal transmission  
1049 rates, consistent with policies and tariffs of the Federal Energy Regulatory Commission, to the  
1050 extent the department of public utilities finds that recovery is in the public interest; (iv) allow  
1051 long-term contracts for clean energy generation resources to be paired with energy storage  
1052 systems; (v) after the approval by the department of public utilities of a long-term contract,  
1053 require a developer to proceed with reasonable promptness and diligence to provide clean energy  
1054 generation resources; and (vi) require that the clean energy resources to be used by a developer  
1055 under the proposal: (A) provide enhanced electricity reliability; (B) moderate system peak load  
1056 requirements including, to the extent that projects include hydroelectric generation, by providing  
1057 maximum output during winter peak pricing period; (C) are cost effective to electric ratepayers  
1058 in the commonwealth over the term of the contract by providing reliability and economic and  
1059 environmental benefits that outweigh costs; (D) avoid line loss and mitigate transmission costs to

1060 the extent possible and ensure that transmission cost overruns, if any, are not borne by  
1061 ratepayers; (E) adequately demonstrate project viability in a commercially reasonable timeframe;  
1062 (F) avoid, minimize and mitigate environmental impacts; and (G) promote additional  
1063 employment and economic development. The department of energy resources shall give  
1064 preference to proposals that: include both hydroelectric generation and new Class 1 eligible  
1065 resources; include firm service; and demonstrate a benefit to low-income ratepayers in the  
1066 commonwealth, without adding cost to the project.

1067 (e) The department of energy resources and the attorney general shall jointly select, and  
1068 the department of energy resources shall contract with, an independent evaluator to monitor,  
1069 participate in and report on the solicitation and bid selection process in order to assist the  
1070 department of energy resources in determining if a received proposal is reasonable and to assist  
1071 the department of public utilities in its consideration of resulting long-term contracts filed for  
1072 approval. To ensure an open, fair and transparent solicitation and bid selection process that is not  
1073 unduly influenced by an affiliated company, the independent evaluator shall: (i) be paid an equal  
1074 amount and in full by each clean energy generation developer submitting a proposal for the  
1075 solicitation; (ii) issue a report to the department of public utilities, upon its review of the  
1076 timetable and method of solicitation, that analyzes the proposed solicitation process and includes  
1077 recommendations for improving the process, if any; and (iii) upon the opening of an  
1078 investigation by the department of public utilities into a proposed long-term contract for a long-  
1079 term contract for a winning bid proposal, file a report with the department of public utilities that  
1080 summarizes and analyzes the solicitation and the bid selection process and provide its  
1081 independent assessment of whether every bid was evaluated in a fair and objective manner. The  
1082 independent evaluator shall also issue its assessment of whether a winning bid proposal complies

1083 with the regulations under subsection (d). The independent evaluator shall have access to the  
1084 information and data related to the competitive solicitation and bid selection process that is  
1085 necessary to fulfill the purposes of this subsection; provided, however, the independent evaluator  
1086 shall ensure that proprietary information remains confidential. The department of public utilities  
1087 shall consider the findings of the independent evaluator and may adopt recommendations made  
1088 by the independent evaluator as a condition for approval. If the independent evaluator concludes  
1089 in the findings that the solicitation and bid selection of a long-term contract was not fair and  
1090 objective and that the process was substantially prejudiced as a result, the department of public  
1091 utilities shall reject the bid proposal.

1092 (f) A proposed long-term contract shall be subject to the review and approval of the  
1093 department of public utilities. As part of its approval process, the department of public utilities  
1094 shall consider the attorney general's recommendations, which shall be submitted to the  
1095 department of public utilities within 45 days following the filing of the proposed contract with  
1096 the department of public utilities. The department of public utilities shall consider the potential  
1097 costs and benefits of the proposed contract and shall approve a proposed contract if it finds that  
1098 the proposed contract is a cost-effective mechanism for procuring low cost clean energy on a  
1099 long-term basis. The department of public utilities' consideration of potential costs and benefits  
1100 shall include the factors outlined in this section and the commonwealth's goals under chapter 298  
1101 of the acts of 2008 and chapter 21N of the General Laws. A distribution company shall be  
1102 entitled to cost recovery of payments made under a long-term contract approved under this  
1103 section.

1104 (g) The distribution companies shall each enter into a contract with the winning bidders  
1105 for their apportioned share of the market products being purchased from the project. The

1106 apportioned share shall be calculated and based upon the total energy demand from the  
1107 distribution customers in each service territory of the distribution companies.

1108 (h) A distribution company shall sell energy and capacity purchased under long-term  
1109 contracts or delivery commitments in the wholesale market through a competitive bid process in  
1110 order to minimize the costs to ratepayers under the contract. A distribution company may elect to  
1111 retain renewable energy certificates to meet the applicable annual RPS requirements under said  
1112 section 11F of said chapter 25A. If the renewable energy certificates are not so used, distribution  
1113 companies shall sell the purchased renewable energy certificates attributed to new Class I RPS  
1114 eligible resources through a competitive bid process to minimize the costs to ratepayers under the  
1115 contract; provided, however, that a distribution company shall retain renewable energy  
1116 certificates that are not attributed to Class I RPS eligible resources. The department of energy  
1117 resources shall conduct periodic reviews to determine the impact on the energy and renewable  
1118 energy certificate markets of the disposition of energy and renewable energy certificates under  
1119 this section. The department may issue reports recommending legislative changes if it determines  
1120 that the disposition of energy and renewable energy certificates is adversely affecting the energy  
1121 and renewable energy certificate markets.

1122 (i) If a distribution company sells the purchased energy into the wholesale spot market  
1123 and sells the renewable energy certificates through a competitive bid process, the distribution  
1124 company shall net the cost of payments made to projects under the long-term contracts against  
1125 the proceeds obtained from the sale of energy and renewable energy certificates, and the  
1126 difference shall be credited or charged to distribution customers through a uniform fully  
1127 reconciling annual factor in distribution rates, subject to review and approval of the department  
1128 of public utilities.

1129 (j) A long-term contract procured under this section shall utilize an appropriate tracking  
1130 system to ensure a unit specific accounting of the delivery of clean energy, to enable the  
1131 department of environmental protection in consultation with the department of energy resources,  
1132 to accurately measure progress in achieving the commonwealth's goals under chapter 298 of the  
1133 acts of 2008 or chapter 21N of the General Laws; provided, however, that for purposes of this  
1134 section, a long-term contract procured under this section shall also require an accounting of life-  
1135 cycle emissions from the clean energy generation resource, to be reported to the department of  
1136 environmental protection on an annual basis.

1137 (k) The department of energy resources and the department of public utilities may jointly  
1138 develop requirements for a bond or other security to ensure performance with requirements  
1139 under this section.

1140 (l) The department of energy resources may promulgate regulations that are necessary to  
1141 implement this section.

1142 (m) If this section is subject to a legal challenge, the department of public utilities may  
1143 suspend the applicability of the challenged provision during the pendency of the action until a  
1144 final resolution, including any appeals, is obtained and shall issue an order and take other action  
1145 that is necessary to ensure that the provisions that are not the subject of the challenge are  
1146 implemented expeditiously to achieve the public purposes of this section.

1147 SECTION 24. Section 16 of chapter 298 of the acts of 2008 is hereby amended by  
1148 striking out, in lines 3 and 4, the words “, and shall expire on December 31, 2020.

1149 SECTION 25. In designing the energy rating and labeling system under section 11G½ of  
1150 chapter 25A of the General Laws, the department of energy resources shall consider the energy

1151 rating and labeling systems used as part of the Mass Save Home MPG program, the RESNET  
1152 home energy rating system and the United States Department of Energy's home energy score in  
1153 addition to other energy rating and labeling systems that are used in other jurisdictions that the  
1154 department determines appropriate.

1155         The department shall finalize the energy rating and labeling system for residential  
1156 dwellings not later than December 15, 2018 and shall begin implementing the system not later  
1157 than June 30, 2019. The department shall also provide recommendations for the implementation  
1158 of an energy rating and labeling system for residential rental property transactions not later than  
1159 June 30, 2019.

1160         SECTION 26. For the Class I renewable energy generating source requirement that  
1161 applies to retail electricity suppliers selling electricity to end-use customers, the department of  
1162 energy resources shall not impose any incremental obligations under clauses (3) and (4) of  
1163 subsection (a) of section 11F of chapter 25A of the General Laws on the kilowatt-hour sales to  
1164 end-use customers in the commonwealth resulting from a contract executed before January 1,  
1165 2017 if the retail electric supplier provides the department of energy resources with satisfactory  
1166 documentation of the terms of the contract including, but not limited to, the execution and  
1167 expiration dates of the contract and the annual volume of kilowatt-hour sales supplied.

1168         SECTION 27. The secretary of energy and environmental affairs shall develop and  
1169 support a regional comprehensive climate change adaptation management action plan grant  
1170 program that shall consist of financial assistance to regional planning agencies to develop and  
1171 implement comprehensive cost-effective adaptation management action plans at the regional  
1172 level of government. Funds shall be expended from item 2000-7070 of section 2A of chapter 286



1173 of the acts of 2014 for the grant program and the department of energy resources may make  
1174 available monies from amounts collected by the Department of Energy Resources Credit Trust  
1175 Fund under 13 of chapter 25A of the General Laws for the grant program. A regional  
1176 comprehensive adaptation management action plan shall include, but not be limited to: (i)  
1177 technical planning guidance for adaptive municipalities through a step-by-step process for  
1178 regional climate vulnerability assessment and adaptation strategy development; (ii) development  
1179 of a definition of regional impacts by supporting municipalities conducting climate vulnerability  
1180 assessments; (iii) a demonstrated understanding of regional characteristics, including regional  
1181 environmental and socioeconomic characteristics; and (iv) prioritization of protecting identified  
1182 vulnerable inland and coastal locations not yet built upon. The grants shall advance statewide,  
1183 regional and local efforts to adapt land use, zoning, infrastructure, policies and programs to  
1184 reduce the vulnerability of the built and natural environment to changing environmental  
1185 conditions as a result of climate change and for the development and implementation of an  
1186 outreach and education program in low income and urban areas about climate change and the  
1187 effects of climate change.

1188 SECTION 28. The executive office of energy and environmental affairs, in consultation  
1189 with the division of capital asset management and maintenance, may acquire by purchase from  
1190 willing sellers land abutting or adjacent to areas subject to the ebb and flow of the tide or on  
1191 barrier beaches or in velocity zones of flood plain areas, on which structures have been  
1192 substantially and repeatedly damaged by severe weather, for conservation and recreation  
1193 purposes, including those rejected by the Pre-Disaster Mitigation Grant Program and the Hazard  
1194 Mitigation Grant Program administered by the United States Federal Emergency Management  
1195 Agency.

1196 Prior to the acquisition of land under this section, the executive office shall develop a  
1197 conservation and recreation management plan and a coastal erosion mitigation and management  
1198 plan for the land after consultation with the municipality in which the land is located. The plan  
1199 shall set forth the priority, description and location of land to be acquired and any land  
1200 management agreement reached between the agency and municipality that provides for local  
1201 responsibility to carry out the development and management of the property. Land acquired  
1202 pursuant to this section shall contain a deed restriction stating that the land shall be used for  
1203 conservation and recreation purposes only.

1204 No land shall be acquired under this section until after a public hearing has been held by  
1205 the executive office in the municipality in which the land is located to consider the management  
1206 plan. The executive office shall notify the mayor and city council or other municipal legislative  
1207 body in a city, or the city manager and the municipal legislative body in a Plan D or Plan E form  
1208 of government, or the board of selectmen, planning board and conservation commission, if any,  
1209 or other municipal legislative body, of a town not later than 10 days prior to a hearing.

1210 If the executive office deems it necessary to make appraisals, surveys, soundings,  
1211 borings, test pits or other related examinations to obtain information to carry out this section, the  
1212 executive office or its authorized agents or employees may, after due notice by registered mail,  
1213 enter upon lands, water and premises, not including buildings, to make the appraisals, surveys,  
1214 soundings, borings, test pits or other related examinations and the entry shall not be a trespass.  
1215 The executive office shall provide reimbursement for an injury or actual damages resulting to the  
1216 lands, waters and premises caused by an act of the executive office or its authorized agents or  
1217 employees and shall, so far as possible, restore the lands to the same condition as prior to making  
1218 the appraisals, surveys, soundings, borings, test pits or other related examinations.

1219 SECTION 29. (a) The executive office of energy and environmental affairs, acting for  
1220 and on behalf of the commonwealth, may lease to a municipality or nonprofit organization, on a  
1221 form approved by the attorney general, for not more than 25 years, certain property acquired by  
1222 the commonwealth pursuant to section 18B or by the United States Federal Emergency  
1223 Management Agency under 42 U.S.C. § 4001 et seq., as amended, for use as conservation and  
1224 recreation areas. A lease shall be in the form and contain the provisions as determined by the  
1225 secretary of energy and environmental affairs, in consultation with the division of capital asset  
1226 management and maintenance, including the terms and conditions as necessary to comply with  
1227 laws relative to the protection of barrier beaches. Land shall be leased upon the express  
1228 conditions that the land shall be used for conservation and recreation purposes only and that no  
1229 permanent structures shall be erected and a reversionary clause that requires the lease to be  
1230 terminated if the leased land is used in violation of a law relative to barrier beaches or condition  
1231 of the lease shall be included.

1232 (b) In consideration for the granting of a lease authorized in subsection (a), the lessee  
1233 municipality or nonprofit organization shall agree to maintain the acquired land as a clean, safe  
1234 and orderly conservation or recreation area.

1235 SECTION 30. Pursuant to its authority under section 40 of chapter 131 of the General  
1236 Laws, the commissioner of environmental protection shall promulgate rules regulating the  
1237 dredging, filling or altering of land subject to coastal storm flowage.

1238 SECTION 31. The executive office of energy and environmental affairs and the  
1239 executive office of public safety and security may expend such sums as may be available from an  
1240 account, appropriation or fund available to the respective executive offices or to an agency

1241 within those executive offices to carry out chapter 21P of the General Laws, including expenses  
1242 in connection with the department's responsibilities under said chapter 21P and the cost of  
1243 planning and for the development, redevelopment or improvement of land under said chapter  
1244 21P.

1245 SECTION 32. Notwithstanding any general or special law to the contrary, the executive  
1246 office of energy and environmental affairs shall develop a pilot program proposal to field test  
1247 and deploy superconducting or solid state fault current limiter technologies to maximize  
1248 reliability and capacity.

1249 The executive office of energy and environmental affairs shall submit to the clerks of the  
1250 senate and house of representatives and to the joint committee on telecommunications, utilities  
1251 and energy the details of the pilot program and any legislative recommendations not later than 6  
1252 months after the effective date of this act.

1253 SECTION 33. If interoperability standards have not been adopted by a national standards  
1254 organization by January 1, 2018, the department of energy resources may adopt interoperability  
1255 billing standards for network roaming payment methods for electric vehicle charging stations. If  
1256 the department of energy resources adopts interoperability billing standards for electric vehicle  
1257 charging stations, electric vehicle charging stations that require payment shall meet those  
1258 standards within 1 year. The standards adopted shall consider other governmental or industry-  
1259 developed interoperability billing standards and may adopt interoperability billing standards  
1260 promulgated by an outside authoritative body.

1261 SECTION 34. There shall be an energy efficiency task force to develop  
1262 recommendations and propose statutory changes for the creation of a successor energy efficiency

1263 program or improvements to be made to the current energy efficiency program and such program  
1264 or improvements shall be implemented beginning in 2018 at the conclusion of the current 3-year,  
1265 statewide energy efficiency plan developed pursuant to section 21 of chapter 25 of the General  
1266 Laws. In making its recommendations, the task force shall consider: (i) the successes, challenges  
1267 and shortcomings of the current program design; (ii) the role of the program administrators; (iii)  
1268 the designation or creation of a single entity, other than a gas or electric company or municipal  
1269 aggregator, to run the program; (iv) additional ways to increase market competition; (v)  
1270 alternative funding mechanisms for gas and electric energy efficiency; (vi) the identification of  
1271 targets for energy efficiency customer participation and cost effective system load reduction; and  
1272 (vii) alternative program design and best practices implemented in other states and countries. The  
1273 task force shall also consider the cost impact upon the ratepayers.

1274           The task force shall consist of the following members or their designees: the  
1275 commissioner of the department of energy resources, who shall serve as chair; the attorney  
1276 general; the chair of the department of public utilities; 2 members of the house of representatives,  
1277 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall  
1278 be appointed by the minority leader; a representative from the low-income weatherization and  
1279 fuel assistance program network; a representative from the Northeast Energy Efficiency  
1280 Partnerships, Inc.; and 8 members who shall be appointed by the governor, 1 of whom shall be a  
1281 representative of the business community, which may include large commercial and industrial  
1282 end users, 1 of whom shall be a representative of an energy-efficiency business, 1 of whom shall  
1283 be a representative of an electric distribution company, 1 of whom shall be a representative of a  
1284 natural gas distribution company, 1 of whom shall be a representative of a municipal aggregator  
1285 with a certified energy-efficiency plan pursuant to subsection (b) of section 134 of chapter 164 of

1286 the General Laws, 1 of whom shall be a representative of an energy services company, 1 of  
1287 whom shall be a representative of environmental interests and 1 of whom shall be a  
1288 representative of labor interests.

1289 The task force shall convene its first meeting by October 1, 2018. The task force may  
1290 retain the assistance of experts to conduct research or facilitate the task force process. The task  
1291 force shall report on its recommendations, which shall include drafts of legislation, to the senate  
1292 and house chairs of the joint committee on telecommunications, utilities and energy by June 1,  
1293 2017.

1294 SECTION 35. There shall be a renewable energy infrastructure financing task force  
1295 which shall examine industry gaps in financing clean and renewable energy infrastructure in the  
1296 commonwealth.

1297 The task force shall consist of the following members: the secretary of energy and  
1298 environmental affairs or a designee, who shall serve as chair; the senate chair of the joint  
1299 committee on telecommunications, utilities and energy or a designee; the house chair of the joint  
1300 committee on telecommunications, utilities and energy or a designee; the commissioner of the  
1301 department of energy resources or a designee; the chair of the department of public utilities or a  
1302 designee; the president of the Massachusetts clean energy technology center or a designee; the  
1303 president of Massachusetts Development Finance Agency or a designee; and 5 persons appointed  
1304 by the governor who shall each have expertise in at least 1 of the following subjects: renewable  
1305 energy financing, management of clean energy companies or the making or advancing of clean  
1306 energy policy.

1307           The task force shall convene its first meeting not later than September 1, 2018. It shall  
1308 research and identify gaps in renewable energy infrastructure financing and shall develop a plan  
1309 to reduce those gaps, which may include recommendations to stimulate private capital  
1310 investment, develop bridge financing mechanisms, encourage community renewable energy  
1311 infrastructure, establish a loan program or finance entity, advance public and private partnerships  
1312 and other partnerships for financing renewable energy infrastructure that will help meet the  
1313 targets established in chapter 298 of the acts of 2008 and chapter 21N of the General Laws. The  
1314 plan shall include cost estimates and recommend potential funding sources.

1315           The task force shall file the plan along with recommended regulatory changes and draft  
1316 legislation with the governor, the secretary of energy and environmental affairs, the clerks of the  
1317 senate and house of representatives, the chairs of the joint committee on telecommunications,  
1318 utilities and energy and the chairs of the senate and house committees on ways and means not  
1319 later than January 1, 2019.

1320           SECTION 36. The department of energy resources, in consultation with the department  
1321 of public utilities, shall conduct a study on the need to modernize the electric grid with the goal  
1322 of reducing demand, reducing energy costs to ratepayers, integrating distributed energy  
1323 resources, reducing carbon emissions and enhancing reliability and resiliency. As part of the  
1324 study, the department shall consider alternative regulatory, incentive and ratemaking structures  
1325 and market design, including the creation of an open market for third-party services, to achieve  
1326 these goals. The department shall also consider ways to enhance consumer knowledge regarding  
1327 energy use and provide energy customers with tools to support effective management of their  
1328 energy bills.

1329           As part of the study, the department shall engage in an extensive, open and transparent  
1330 stakeholder process. Stakeholders shall consist of, but not be limited to: the attorney general in  
1331 the role of the ratepayer advocate or a designee; 2 members of the senate, 1 of whom shall be  
1332 appointed by the minority leader; 2 members of the house of representatives, 1 of whom shall be  
1333 appointed by the minority leader; an appointee from the Massachusetts Municipal Association,  
1334 Inc.; an appointee from the Associated Industries of Massachusetts, Inc.; an appointee from the  
1335 National Consumer Law Center, Inc.; and an appointee from the Northeast Clean Energy  
1336 Council, Inc.; and an appointee representing environmental interests. The department shall  
1337 conduct at least 2 public hearings in geographically diverse locations and shall submit a report,  
1338 along with proposed statutory and regulatory changes, to the clerks of the senate and house of  
1339 representatives and the house and senate chairs of the joint committee on telecommunications,  
1340 utilities and energy not later than October 1, 2019.

1341           SECTION 37. Chapter 164 of the General Laws is hereby amended by inserting after  
1342 section 145, as appearing in the 2016 Official Edition, the following section:

1343           Section 146:

1344           (a) As used in this section, the following words shall, unless the context clearly requires  
1345 otherwise, have the following meanings:

1346           (1) “Local energy resources,” distributed renewable generation facilities, energy  
1347 efficiency, energy storage, electric vehicles, and demand response and load management  
1348 technologies.



1349 (2) "Distributed renewable generation facility," a facility producing electrical energy  
1350 from any source that qualifies as a renewable energy generating source under section 11F of  
1351 chapter 25A and is interconnected to a distribution company.

1352 (3) "Board," the Grid Modernization Consumer Board.

1353 (b) The Department shall issue an order concluding the current Grid Modernization  
1354 Proceedings (D.P.U. 15-120, 15-121 and 15-122) by December 31, 2017.

1355 (c) The Department shall commence a proceeding by no later than January 31, 2018 that  
1356 establishes procedures for each distribution company of the commonwealth to create and file  
1357 with the Department by October 31, 2019 its subsequent Grid Modernization Plan, as described  
1358 in further detail in subsection (d).

1359 (1) This proceeding shall also establish specific metrics and related performance  
1360 incentives to evaluate the progress of the distribution companies toward establishing a grid  
1361 planning system to utilize and integrate local energy resources to meet customers' energy needs.  
1362 Said metrics may include, but are not limited to: reducing the impact of outages, optimizing  
1363 demand, integrating local energy resources, improving workforce and asset management, and  
1364 electrification that results in lower greenhouse gas emissions and energy costs savings, after  
1365 accounting for fuel switching;

1366 (2) This proceeding shall also create protections for low-income consumers including, but  
1367 not limited to, remote shutoff protection and exemption from special cost recovery mechanisms.

1368 (d) Every 5 years, on or before April 1, each electric distribution company shall prepare a  
1369 Grid Modernization Plan. Each plan shall comply with the requirements set forth by the

1370 Department in the proceeding described in subsection (c), or as modified by the Department, and  
1371 shall be prepared in coordination with the Grid Modernization Consumer Board established by  
1372 subsection (g). Each plan shall:

1373 (1) Evaluate locational benefits and costs of local energy resources currently located on  
1374 the system, and identify optimal locations for local energy resources over the next 10 years. This  
1375 evaluation shall be based on reductions or increases in local generation capacity and demand,  
1376 avoided or increased investments in transmission and distribution infrastructure, safety benefits,  
1377 reliability benefits, and any other savings the local energy resources provide to the electric grid  
1378 or avoided costs to ratepayers;

1379 (2) Provide information about the interconnection of distributed renewable generation  
1380 facilities in publicly accessible hosting capacity maps that are updated on a continual basis;

1381 (3) Propose or identify locational based incentives and other mechanisms for the  
1382 deployment of cost-effective local energy resources that satisfy planning objectives;

1383 (4) Propose cost-effective methods of effectively coordinating existing programs,  
1384 incentives, and tariffs to maximize the locational benefits and minimize the incremental costs of  
1385 local energy resources;

1386 (5) Identify any additional spending by the distribution company necessary to integrate  
1387 cost-effective local energy resources into distribution planning consistent with the goal of  
1388 yielding net benefits to ratepayers;

1389 (6) Identify any additional barriers to the deployment of local energy resources;

1390 (e) Any distribution infrastructure necessary to accomplish the Grid Modernization Plan  
1391 is eligible for pre-authorization by the Department, through a review of the company's proposed  
1392 investments and cost estimates, as supported by the business case.

1393 (f) Each Grid Modernization Plan prepared under subsection (d) shall be submitted for  
1394 approval and comment by the Grid Modernization Consumer Board every 5 years, on or before  
1395 April 1.

1396 (1) The electric distribution companies shall provide any additional information requested  
1397 by the Board that is relevant to the consideration of the Plan. The Board shall review the plan  
1398 and any additional information and submit its approval or comments to the electric distribution  
1399 companies not later than 3 months after the submission of the plan. The electric distribution  
1400 companies may make any changes or revisions to reflect the input of the Board.

1401 (2) The electric distribution companies shall submit their plans, together with the Board's  
1402 approval or comments and a statement of any unresolved issues, to the Department every 5  
1403 years, on or before October 31. The Department shall consider the plans and shall provide an  
1404 opportunity for interested parties to be heard in a public hearing.

1405 (3) Not later than 180 days after submission of a plan, the Department shall issue a  
1406 decision on the plan which ensures that the electric distribution companies have satisfied the  
1407 criteria set forth by the Department and shall approve, modify and approve, or reject and require  
1408 the resubmission of the plan accordingly.

1409 (4) Each Grid Modernization Plan shall be in effect for 5 years.

1410 (g) There shall be a Grid Modernization Consumer Board to consist of the commissioner  
1411 of the department of energy resources, who shall serve as chair, and 7 members including the  
1412 attorney general, or his designee, the commissioner of the department of environmental  
1413 protection, or his designee, and additional members appointed by the Department: 1 shall be a  
1414 representative of residential consumers, 1 shall be a representative of low-income consumers, 1  
1415 shall be a representative of the environmental community, 1 shall be a representative of the clean  
1416 energy technology industry, and 1 shall be a representative of businesses, including large C& I  
1417 end users. Interested parties shall apply to the Department for designation. Members shall serve  
1418 for terms of 6 years and may be reappointed. There shall be 1 non-voting ex-officio member  
1419 from each of the electric distribution companies.

1420 (1) The Board shall, as part of the approval process by the Department outlined in  
1421 subsection (f), seek to maximize net economic benefits through use of distributed energy  
1422 resources and achieve transmission, reliability, climate and environmental goals. The Board  
1423 shall review and approve Grid Modernization Plans and budgets, and work with electric  
1424 distribution companies in preparing resource assessments. Approval of Grid Modernization  
1425 Plans and budgets shall require a two-thirds majority vote.

1426 (2) The Board may retain expert consultants, provided, however that such consultants  
1427 shall not have any contractual relationship with an electric distribution company doing business  
1428 in the commonwealth or any affiliate of such company. The Board shall annually submit to the  
1429 Department a proposal regarding the level of funding required for the retention of expert  
1430 consultants and reasonable administrative costs. The proposal shall be approved by the  
1431 Department either as submitted or as modified by the Department. The Department shall  
1432 allocate funds sufficient for these purposes from the Grid Modernization Plan budgets.

1433 (3) The electric distribution companies shall provide quarterly reports to the Board on the  
1434 implementation of their respective plans. The reports shall include a description of progress in  
1435 implementing the plan, an evaluation of the metrics identified by the Department in the  
1436 proceeding described in subsection (c), and such other information or data as the Board shall  
1437 determine. The Board shall provide an annual report to the department and the joint committee  
1438 on telecommunications, utilities and energy on the implementation of the plan which includes  
1439 descriptions of the programs, investments, cost-effectiveness, and savings and benefits during the  
1440 previous year.

1441 SECTION 38. Section 69G of chapter 164, as appearing in the 2016 Official Edition, is  
1442 hereby amended by inserting the following definition after “department”:

1443 “Distributed Renewable Generation Facility”, a facility producing electrical energy from  
1444 any source that qualifies as a renewable energy generating source under section 11F of chapter  
1445 25A and is interconnected to a distribution company.

1446 Also amended by adding the following definition after “generating facility”:

1447 “Infrastructure Resource Facility”, an electric transmission line, an electric distribution  
1448 line, or an ancillary structure which is an integral part of the operation of a transmission or  
1449 distribution line, that meets the following criteria: a) is estimated to cost more than \$1 million; b)  
1450 is needed due to asset condition or load-growth; c) has a date of need at least 36 months in the  
1451 future; d) has a need that can be addressed by load reductions of less than 20 percent of the  
1452 relevant peak load in the area of the defined need; and e) such other criteria as the Board may  
1453 determine. A line that is constructed, owned, and operated by a generator of electricity solely for  
1454 the purpose of electrically and physically interconnecting the generator to the transmission

1455 system of a transmission and distribution utility shall not be considered an Infrastructure  
1456 Resource Facility.

1457 Also amended by adding the following definition after “liquefied natural gas”:

1458 “Local Energy Resource Alternative”, the following methods used either individually or  
1459 combined to meet or defer in whole or in severable part the need for a proposed Infrastructure  
1460 Resource Facility: energy efficiency and conservation, energy storage system, electric vehicles,  
1461 load management technologies, demand response, distributed renewable generation facilities,  
1462 and other relevant technologies determined by the Board.

1463 SECTION 39. Chapter 164 of the General Laws is hereby amended by inserting after  
1464 section 69J, as appearing in the 2016 Official Edition, the following section:

1465 Section 69J 1/6:

1466 (a) No applicant shall commence construction of an Infrastructure Resource Facility at a  
1467 site unless a Determination of Wires has been approved by the board. In addition, no state  
1468 agency shall issue a construction permit for any Infrastructure Resource Facility unless the  
1469 Determination of Wires has been approved by the board and the facility conforms with such  
1470 determination. Applications for Determination of Wires must be filed with the board no later  
1471 than four years prior to date of in-service need.

1472 (b) A petition for a Determination of Wires shall include, in such form and detail as the  
1473 board shall from time to time prescribe, the following information: (1) a description of the  
1474 Infrastructure Resource Facility, site and surrounding areas; (2) an analysis of the need for the  
1475 facility over its planned service life, both within and outside the commonwealth, including date

1476 of need for the facility; (3) a description of the alternatives to the facility, such as other methods  
1477 of transmitting or storing energy, other site locations, other sources of electrical power or gas, a  
1478 reduction of requirements through load management, or local energy resource alternatives; and  
1479 (4) the results of an investigation by an independent 3rd party, which may be the Board or a  
1480 contractor selected by the Board, of local energy resource alternatives that may, alone or  
1481 collectively, address or defer part or all of the need identified in the application for the  
1482 Infrastructure Resource Facility. The investigation must set forth the total projected costs and  
1483 economic benefits to ratepayers of the Infrastructure Resource Facility, as well as of the local  
1484 energy resource alternative(s), over the effective life of the proposed Infrastructure Resource  
1485 Facility.

1486 (c) Prior to issuing a Determination of Wires, the Board must consider whether it is  
1487 possible for any Local Energy Resource Alternative(s), alone or in combination, to meet or defer  
1488 some or all of the identified need. In its consideration, the Board shall compare the Infrastructure  
1489 Resource Facility to Local Energy Resource Alternatives based on uniform, standard criteria,  
1490 including benefit-cost analysis. In its Determination, the Board must make specific findings  
1491 regarding: i) the portions of the identified need, if any, that cannot be addressed or deferred by  
1492 Local Energy Resource Alternative(s), due to engineering or public safety reasons; ii) the  
1493 portions of the identified need, if any, for which the Board determines Local Energy Resource  
1494 Alternative(s), alone or in combination, may meet or defer the need more cost-effectively, as  
1495 defined in subsection f, than the Infrastructure Resource Facility, and the duration of such  
1496 deferral; and iii) additional portions of identified need, if any. Notice of issuance of a  
1497 Determination of Wires must be provided to the town or city administrator of each municipality

1498 in which the related Infrastructure Resource Facility or Local Energy Resource Alternative(s) is  
1499 located.

1500 (d) Upon issuance of a Determination of Wires that contains a finding that one or more  
1501 Local Energy Resource Alternative(s) may satisfy or defer a portion of the identified need more  
1502 cost-effectively, as defined in subsection f, than the Infrastructure Resource Facility, the  
1503 applicant must engage in a transparent, open solicitation for resources that can meet or defer that  
1504 portion of the need, as well as any additional portions of identified need. Any requests for  
1505 proposals shall be reviewed by the Department in consultation with DOER, the Energy  
1506 Efficiency Advisory Council, and the Grid Modernization Consumer Board. The applicant's  
1507 selection of resources for contracting shall be carried out in consultation with DOER, and any  
1508 contracts shall be reviewed and approved by the Department.

1509 (e) If during the review of contracts by the Department, it is determined that an  
1510 Infrastructure Resource Facility will meet the identified need more cost-effectively, as defined in  
1511 subsection f, than the Local Energy Resource Alternative(s), such finding shall serve as prima  
1512 facie evidence of the Infrastructure Resource Facility being the "lowest possible cost" for the  
1513 Board's determination under Section 69J.

1514 (f) Within three months of enactment of this section, the Department of Energy  
1515 Resources shall develop, in consultation with the Energy Efficiency Advisory Council, a  
1516 framework for benefit-cost analysis to be applied to evaluations of Infrastructure Resource  
1517 Facilities and Local Energy Resource Alternatives, as a determinant of cost-effectiveness. The  
1518 Total Resource Cost test utilized in the Energy Efficiency programs shall be appropriately  
1519 modified to account for the value of reliability and other site-specific costs, benefits and risks



1520 appropriate to consideration of Local Energy Resource Alternatives. Categories of costs and  
1521 benefits may include: ratepayer benefits; reasonably foreseeable environmental and public health  
1522 compliance costs; line losses; local reliability; market price suppression effects for energy and  
1523 capacity; fuel price risks; avoided transmission and distribution investments; electric generation  
1524 supply costs and reductions; capacity market costs and reductions; ancillary services costs and  
1525 reductions; transmission costs and reductions; distribution system costs and reductions; outage  
1526 costs and reductions for electric customers; renewable energy certificate costs; fuel costs;  
1527 demand-reduction induced price effects; and other costs and benefits of switching to electricity-  
1528 based end uses. No later than six months after enactment of this section, such framework shall  
1529 be considered by the Board in creating regulations regarding the Board's process and criteria for  
1530 determining cost-effectiveness and issuing a Determination of Wires.

1531 (g) Within ten months of enactment of this section, the Department shall issue criteria  
1532 outlining acceptable methods for securing contracts for Local Energy Resource Alternatives.  
1533 The Department may consider whether utility performance incentives are appropriate. Any such  
1534 incentives must be included in the cost effectiveness analysis set forth in subsection f.

1535 (h) If the Board determines that one or more local energy resources alternative(s) can  
1536 sufficiently address or defer the identified need at greater overall economic benefit to ratepayers  
1537 across the region than the Infrastructure Resource Facility, but at a higher cost to ratepayers in  
1538 the Commonwealth, the Board shall make reasonable efforts to achieve within 180 days an  
1539 agreement among the states within the ISO-NE region to allocate the cost of the local energy  
1540 resource alternative(s) among the ratepayers of the region using the allocation method used for  
1541 regional transmission lines or a different allocation method that results in lower costs than the  
1542 proposed Infrastructure Resource Facility to the ratepayers of the Commonwealth.

1543 SECTION 40. Section 69J of chapter 164 of the General Laws, as appearing in the 2016  
1544 Official Edition, is hereby amended by striking the third paragraph and inserting in its place  
1545 thereof the following paragraph:

1546 A petition to construct a facility shall include, in such form and detail as the board shall  
1547 from time to time prescribe, the following information: (1) a description of the facility, site and  
1548 surrounding areas; (2) an analysis of the need for the facility, either within or outside, or both  
1549 within and outside the commonwealth; (3) a description of the alternatives to the facility, such as  
1550 other methods of transmitting or storing energy, other site locations, other sources of electrical  
1551 power or gas, or a reduction of requirements through load management; (4) any applicable  
1552 Determination of Wires; and (5) a description of the environmental impacts of the facility,  
1553 including impacts on greenhouse gas emissions. The board shall be empowered to issue and  
1554 revise filing guidelines after public notice and a period for comment. A minimum of data shall be  
1555 required by these guidelines from the applicant for review concerning land use impact, water  
1556 resource impact, air quality impact, solid waste impact, radiation impact and noise impact.

1557 SECTION 41. Chapter 164 of the General Laws is hereby amended by inserting after  
1558 section 94I, as appearing in the 2016 Official Edition, the following section:

1559 Section 94J:

1560 (a) In this section, unless the context clearly requires otherwise, “residential fixed charge”  
1561 shall mean any recurring fixed fee charged to residential electric customers distinct from charges  
1562 based on meter readings for each billing period, including, but not limited to, a fixed charge for  
1563 distribution service, a distribution customer service charge, or a customer charge.

1564 (b) In a proceeding pursuant to section 94 with respect to an investigation of the rates,  
1565 prices, and charges of a distribution company, the Department may not approve a residential  
1566 fixed charge higher than the investment costs and operation and maintenance expenses directly  
1567 related to the sum of 1) cost of connection, not including the cost of advanced metering used to  
1568 provide energy services; 2) billing; and 3) the provision of customer service.

1569 SECTION 42. Section 1B of Chapter 164 of the General Laws is amended by inserting  
1570 after subsection (f), as appearing in the 2016 Official Edition, the following section:

1571 (g) Beginning on January 1, 2018, each distribution company shall offer to default  
1572 service customers an option to choose a time of use rate designed to reflect the cost of providing  
1573 electricity at different times of the day. Each distribution company shall provide each default  
1574 service customer, not less than once per year, a summary of available rate options with a  
1575 calculation of expected bill impacts under each. Should a customer opt into a time of use rate, the  
1576 distribution company shall install all necessary equipment within 60 days of request. Any  
1577 residential customer choosing for the first time a time of use rate shall be provided with no less  
1578 than one year of bill protection, during which the total amount paid by the customer for electric  
1579 service shall not exceed the amount that would have been payable by the customer under that  
1580 customer's previous rate schedule. A customer may choose a different rate schedule after one  
1581 year. If the Department approves default service rates that include time-varying pricing on a  
1582 mandatory or opt-out basis, this offering structure may be discontinued, but each distribution  
1583 company must offer a time-varying default service rate at all times.

1584 SECTION 43. Notwithstanding any special or general law to the contrary, there shall be a  
1585 special commission on solar mobility systems to determine the feasibility of permitting

1586 nonexclusive access to rights-of-way to mobility network providers meeting the following  
1587 criteria: (i) Privately-funded construction; (ii) privately-operated without government subsidies;  
1588 (iii) exceed 120 passenger miles per gallon or equivalent energy efficiency; (iv) exceed safety  
1589 performance of transportation modes already approved for use; and (v) gather more than 2  
1590 megawatt-hours of renewable energy per network mile per typical day.

1591           The commission shall include, but not be limited to: the secretary of energy and  
1592 environmental affairs; the commissioner of energy resources; the secretary of transportation; the  
1593 general manager of the Massachusetts Bay Transportation Authority; the chief executive officer  
1594 of the Massachusetts clean energy technology center; 2 members of Bay State Sunway; 2  
1595 members of the senate, 1 of whom shall be appointed by the minority leader; 2 members of the  
1596 house of representatives, 1 of whom shall be appointed by the minority leader.

1597           The commission shall submit a report to the governor, the speaker of the house of  
1598 representatives, the president of the senate, the joint committee on transportation and the  
1599 Massachusetts Department of Transportation not later than December 31, 2017 setting forth the  
1600 commission's findings, together with any recommendations for regulatory or legislative action,  
1601 with a timeline for planning, construction, implementation, economic impact and integration of  
1602 zero carbon transportation systems.

1603           SECTION 44. The Massachusetts Department of Transportation shall, in consultation  
1604 with the zero emission vehicle commission and the department of state police, issue a feasibility  
1605 study on authorizing a motor vehicle designated as a zero emissions vehicle, as defined in section  
1606 16 chapter 25A, for travel in lanes designated for use by high-occupancy vehicles. The study  
1607 shall include, but not be limited to, an examination of existing capacity in lanes designated for

1608 use by high-occupancy vehicles, the impact of zero emission vehicles on the lanes and a plan to  
1609 properly differentiate zero emission vehicles to ensure appropriate access. The study shall be  
1610 filed with the clerks of the senate and the house of representatives and the senate and house  
1611 chairs of the joint committee on transportation not later than December 1, 2018.

1612 SECTION 45. The secretary of transportation shall conduct a feasibility study on the  
1613 installation of charging stations for electric vehicles at rest stops along interstate highway route  
1614 90 and the implementation of section 75 of chapter 6C of the General Laws. The study and any  
1615 recommendations shall be submitted to the clerks of the senate and the house of representatives  
1616 and the senate and house chairs of the joint committee on transportation not later than December  
1617 31, 2018.

1618 SECTION 46. The secretary of transportation, in consultation with the secretary of  
1619 energy and environmental affairs, shall conduct a study examining the advisability and feasibility  
1620 of assessing surcharges, levies or other assessments to offset projected gas tax revenue loss from  
1621 the purchase or operation of zero emission vehicles. The study shall examine practices in other  
1622 states and shall include input from electric vehicle manufacturers, dealers and trade associations,  
1623 the zero emission vehicle commission, electric vehicle and fuel cell vehicle manufacturers,  
1624 electric vehicle charging station manufacturers and hydrogen providers, as well as transportation,  
1625 environmental and clean energy advocacy groups. The report shall be filed with the clerks of the  
1626 senate and house of representatives, the chairs of the senate and house committees on ways and  
1627 means and the senate and house chairs of the joint committee on transportation not later than  
1628 April 1, 2019.

1629 SECTION 47. The department of energy resources, in consultation with the  
1630 Massachusetts Department of Transportation, shall conduct a study on the opportunities for  
1631 electrification of the state fleet, including the vehicles used by the regional transit authorities.  
1632 The study shall be filed with the clerks of the senate and the house of representatives and with  
1633 the chairs of the senate and house chairs of the joint committee on transportation not later than  
1634 September 1, 2019.

1635 SECTION 48. Notwithstanding any general or special law to the contrary, not later than  
1636 30 days after the effective date of this act, the department of public utilities shall open a docket  
1637 to investigate the need for additional capacity in the southeastern Massachusetts load zone within  
1638 the next 10 years. This investigation shall be completed by March 15, 2019. If there is a  
1639 demonstration that the ISO New England, Inc. forward capacity auction immediately preceding  
1640 March 15, 2017 concluded with total capacity in the load zone, including excess generating  
1641 capacity, in an amount less than the capacity expected to be needed to reliably serve the load to  
1642 the load zone during the next subsequent auction after taking into account delist or retirement  
1643 bids, the department shall determine whether there is a need for additional electric generating  
1644 capacity in the southeastern Massachusetts load zone. This demonstration shall be conclusive  
1645 proof of the need for additional electric generating capacity in the southeastern Massachusetts  
1646 load zone. In making its determination, the department shall include consideration of ISO New  
1647 England, Inc. findings and of the anticipated function of the capacity market in New England.

1648 If the department issues a finding that there is need for additional electric generating  
1649 capacity in the southeastern Massachusetts load zone within the next 10 years, the department  
1650 may consider the findings prior to the approval of a long-term contract under sections 83B to  
1651 83D, inclusive, of chapter 169 of the acts of 2008 and, to the extent practicable, require that a

1652 new long-term contract reasonably demonstrates the delivery of new energy resources to meet  
1653 the need.

1654 SECTION 49. When purchasing new hybrid and alternative fuel vehicles under section  
1655 9A of chapter 7 of the General Laws, the commonwealth shall, consistent with the ability of the  
1656 vehicles to perform their intended functions, ensure that 25 per cent of the motor vehicles  
1657 purchased annually by the commonwealth will be zero emission vehicles by 2025 and ensure that  
1658 the fuel efficiency standard under said section 9A of said chapter 7 incorporates intermediate  
1659 targets for electric vehicles.

1660 SECTION 50. Notwithstanding section 5, the residential dwelling's energy rating and  
1661 label, as established by the department of energy resources in section 11G<sup>1</sup>/<sub>2</sub> of chapter 25A of  
1662 the General Laws, shall not be required to be made available under section 97A of chapter 13 of  
1663 the General Laws until January 1, 2018.

1664 SECTION 51. The regulations required pursuant to section 56 shall be promulgated not  
1665 later than 180 days after the effective date of this act.

1666 SECTION 52. The comprehensive adaptation management action plan advisory  
1667 commission shall complete the first report under subsection (b) of section 3 of chapter 21P of the  
1668 General Laws not later than January 1, 2019 and shall complete a revised report at least once  
1669 every 10 years thereafter.

1670 SECTION 53. The first comprehensive adaptation management action plan under section  
1671 2 of chapter 21P of the General Laws shall be completed not later than January 1, 2020.

1672 SECTION 54. The 2030 statewide greenhouse gas emissions limit under subsection (a) of  
1673 section 4 of chapter 21N of the General Laws shall be adopted not later than January 1, 2021.

1674 SECTION 55. The 2040 statewide greenhouse gas emissions limit required under  
1675 subsection (a) of section 4 of chapter 21N of the General Laws shall be adopted not later than  
1676 January 1, 2031.

1677 SECTION 56. A municipality that elects to enter into a community empowerment  
1678 contract pursuant to paragraph (2) of subsection (c) of section 134 of chapter 164 of the General  
1679 Laws with a company that proposes to construct a renewable energy project shall enter into any  
1680 such contract not later than December 31, 2021.

1681 SECTION 57. The department of public utilities shall promulgate the regulations,  
1682 guidelines or orders required by paragraph (6) of subsection (c) of section 134 of chapter 164 of  
1683 the General Laws within 6 months after the effective date of this act.

1684 SECTION 58. The department of energy resources shall promulgate the regulations or  
1685 guidelines required by paragraph (7) of subsection (c) of section 134 of chapter 164 of the  
1686 General Laws within 6 months after the effective date of this act.

1687 SECTION 59. Sections 1, 2 and 16 shall take effect on January 1, 2019.

1688 SECTION 60. Sections 4 to 6, inclusive, shall take effect on July 1, 2019.