

CORRECTED

HOUSE No. 4553

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 17, 2020.

The committee on Telecommunications, Utilities and Energy, to whom was referred the joint petition (accompanied by bill, House, No. 2863) of Thomas A. Golden, Jr., Anne M. Gobi and others relative to greenhouse gas emissions standards for municipal lighting plants, reports recommending that the accompanying bill (House, No. 4553) ought to pass.

For the committee,

THOMAS A. GOLDEN, JR.

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FILED ON: 3/17/2020

HOUSE **No. 4553**

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to greenhouse gas emissions standards for municipal lighting plants, for the purpose of promoting the Commonwealth's goals of reducing greenhouse gas emissions while acknowledging and preserving the statutory scheme of chapter 164 which places municipal lighting plant operations, finances, and rates under local control.

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

1 Chapter 25A of the General Laws, as so appearing, is hereby amended by adding the
2 following section:-

3 Section 11F3/4. (a) To assist in ensuring that the commonwealth's greenhouse gas
4 emissions goals are achieved each municipal lighting plant shall establish a greenhouse gas
5 emissions standard for such municipal lighting plant which shall be known as the "Municipal
6 Lighting Plant GGES."

(b) Subject to subsection (f) hereof, the Municipal Lighting Plant GGES shall set the minimum percentage of non-carbon emitting energy sold by each municipal lighting plant to all retail end-user customers purchasing electricity pursuant to rates established pursuant to section 58 of chapter 164 as follows: (1) fifty percent by 2030; (2) seventy-five percent by 2040; and (3) net zero by 2050.

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12 (c) In satisfying the minimum percentages set forth in subsection (b) hereof, municipal
13 lighting plants may either purchase or self-generate non-carbon emitting energy. Energy from
14 resources using the types of technology set forth in subsection (d)(1) below, acquired via
15 ownership interest or purchase pursuant to contracts executed prior to the effective date of this
16 act, shall qualify in calculating the minimum percentages contained in subsection (b) after the
17 effective date of this act.

18 (d) For the purposes of this statute, “non- carbon emitting” shall be defined as:

19 (1) energy from facilities using the following generation technologies, but only to the
20 extent that any renewable energy credits, emission free energy certificates or other evidentiary
21 non-carbon emitting documentation associated therewith have not been sold, retired, claimed or
22 otherwise represented by another party as part of electrical energy output or sales or used to
23 satisfy obligations in jurisdictions other than the commonwealth: (i) solar photovoltaic; (ii) solar
24 thermal electric; (iii) hydroelectric, including imports into the New England wholesale electric
25 market as administered by ISO New England Inc.; (iv) nuclear; (v) marine or hydrokinetic
26 energy; (vi) geothermal energy; (vii) landfill methane; (viii) anaerobic digester gas; (ix) biomass
27 fuel; (x) wind energy; and (xi) any other generation qualifying for Renewable Portfolio
28 Standards under section 11F of chapter 25A or department of environmental protection’s Clean
29 Energy Standard regulation under 310 C.M.R. 7.75 ; or

30 (2) generation that has net lifecycle GHG emissions, over a twenty-year life cycle, that
31 yield at least a fifty percent reduction of greenhouse gas emissions per unit of useful energy
32 relative to the lifecycle greenhouse gas emissions from the aggregate use of the operation of a
33 new combined cycle natural gas electric generating facility using the most efficient commercially

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34 available technology as of the date of the statement of qualification application to the department
35 of environmental protection for the portion of electricity delivered by the generation unit; or

36 (3) clean energy credits such as renewable energy certificates, emission free energy
37 certificates or other evidentiary non-carbon emitting documentation derived from each megawatt
38 hour of generation from a resource, that are produced, documented or classified in the NEPOOL
39 GIS that have not otherwise been, nor will be, sold, retired, claimed or represented as part of
40 electrical energy output or sales, or used to satisfy obligations in jurisdictions other than the
41 commonwealth; or

42 (4) generation from resources otherwise determined by the department to qualify as non -
43 carbon emitting hereunder; or

44 (5) any combination of the foregoing.

45 (e) A municipal lighting plant shall file, using a form and by the date, specified by the
46 department, demonstrating compliance with subsection

47 (b) hereof. If a municipal lighting plant fails to comply with the requirements of
48 subsection (b), it shall make an one-time alternative compliance payment, to be known as the
49 "Municipal Lighting Plant ACP" for the year of non-compliance, and on the anniversary of each
50 year that said non-compliance continues thereafter, in the amount 0.25 times the Renewable
51 Portfolio Standard ACP set forth in the department's regulations at 225 C.M.R. 14.00 et seq. per
52 kilowatt hour based on the amount of such deficiency , escalated annually by the Consumer Price
53 Index, but in no event shall said ACP exceed \$0.010 per kilowatt hour. Such Municipal Lighting
54 Plant ACP shall be deposited into a fund which shall be maintained and administered by the

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55 municipal light plant and such fund shall be used by the municipal light plant to fund greenhouse
56 gas emissions reduction and related programs in its service territory.

57 (f) Each municipal lighting plant shall file a compliance status report with the
58 Department one year prior to each established date as contained in subsection (b).

59 (g) Compliance with the foregoing subsections shall fully satisfy any and all current and
60 future requirements regarding the commonwealth's implementation of the Global Warming
61 Solutions Act as might be applied to municipal lighting plants, including the provisions of
62 chapter 21N of the general laws, as may be amended from time to time.